

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 552 OF 2018
WITH
CIVIL APPLICATION (ST.) NO. 2913 OF 2018
IN
FIRST APPEAL (ST.) NO. 2909 OF 2018**

The New India Insurance Company Ltd. .. Applicant
Vs.
Smt.Shailaja Santosh Jagdale & Ors. .. Respondents

**WITH
CIVIL APPLICATION (ST.) NO. 32350 OF 2018
IN
FIRST APPEAL (ST.) NO. 2909 OF 2018**

Mr.Sudhakar Pandaram I/b Advocate Milind More for applicant.

Mr.Sagar Kursija, Advocate I/b Vikrant Suryawanshi, Advocate for respondent Nos.1 to 3.

**CORAM : A.S. CHANDURKAR, J.
DATE : 14TH DECEMBER 2018**

P.C.

CIVIL APPLICATION NO. 552 OF 2018

1 Considering reasons mentioned in the application which appear to be acceptable, delay in filing the first appeal is condoned. The civil application is disposed of.

FIRST APPEAL (ST.) NO. 2909 OF 2018

2 Heard. **Admit.** Call for record and proceedings.

The learned counsel waives notice for the respondent Nos.1 to 3.

**CIVIL APPLICATION (ST.) NO. 2913 OF 2018
(FOR STAY)**

3 As the entire amount of compensation has been deposited with the Claims Tribunal, the execution proceedings shall remain stayed till during pendency of the appeal. The civil application is disposed of.

**CIVIL APPLICATION (ST.) NO. 32350 OF 2018
(FOR WITHDRAWAL)**

4 By this application, the claimants are seeking permission to withdraw the amount of compensation as deposited.

5 Heard the learned counsel and perused the impugned judgment. The applicant Nos.1 to 3 are the widow and children of the deceased. Applicant Nos.4 and 5 are his parents. Hence for the present, applicant Nos. 1 to 3 are permitted to withdraw the amount of Rs.20 lakhs while applicant Nos.4 and 5 are permitted to withdraw an amount of Rs.5 lakhs without furnishing any surety. The claimants shall file an undertaking in this Court within a period of eight weeks stating therein that in case the appeal is allowed, the amount withdrawn shall be re-deposited with interest at such rate the Court may direct. The balance amount shall remain invested in fixed deposit. The civil application is disposed of.

(A.S. CHANDURKAR, J.)