

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

**FIRST APPEAL NO. 834 OF 2017
WITH
CIVIL APPLICATION NO. 1963 OF 2017
AND
CIVIL APPLICATION NO. 2896 OF 2018**

HDFC ERGO GENERAL INSURANCE CO.LTD. ... Appellant

Versus

Tatya Bali Raut and another ... Respondents

.....

Abhijit P. Kulkarni, Advocate for the Appellant.

Mr. Rushikesh S. Kale, Advocate for Respondent No.1 and for Applicant in CA No.2896 of 2018.

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CORAM : A. S. CHANDURKAR, J.

DATE : 5th DECEMBER, 2018.

P. C.:

FIRST APPEAL NO. 834 OF 2017

1. Heard.
2. *Admit.*
3. Call for the Record and Proceedings.
4. Mr. Kale, learned Counsel waives notice for Respondent No.1.
5. Liberty to apply for hearing after the record and proceedings are received.

CIVIL APPLICATION NO. 1963 OF 2017

1. As the applicant has deposited the entire amount of compensation, the execution of the impugned award shall remain stayed during pendency of the appeal.
2. The civil application stands disposed of.

CIVIL APPLICATION NO. 2896 OF 2018

1. Heard learned Counsel for the parties.
2. Perused the impugned judgment and award. In the facts of the case, the claimant is permitted to withdraw 50% of the amount of compensation as deposited. The claimant shall file undertaking within eight weeks from today that if the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in a fixed deposit.
3. Civil application is disposed of.

(A. S. CHANDURKAR, J.)