

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

**CIVIL APPLICATION NO. 2917 OF 2014
IN
FIRST APPEAL (ST.) NO. 30603 OF 2004**

Sadhana Devidas Gujarathi & Ors. ... Applicants

In the matter between

Oriental Insurance Co. Ltd. ... Appellant

V/s.

Sadhana Devidas Gujarathi & Ors. ... Respondents

- Mr.Sumit Khanna i/b. Dewani & Associates for the Applicants/Org. Respondent Nos.1 and 2.
- Ms.Minal Chandnani i/b. Mr.Jaiwant S. Chandnani for the Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th SEPTEMBER, 2018.

P.C. :

1] Heard learned counsel for the Applicants/Claimants and learned counsel for the Appellant.

2] This is an application filed by the Applicants/Original Claimants seeking withdrawal of the amount of compensation deposited in this Court.

3] Learned counsel for the Appellant submits that the award is challenged not only on the ground of quantum of compensation but

also on the ground that the 'cheque' issued towards the premium of the policy was dishonored and therefore, there was no valid Insurance Policy.

4] Learned counsel for the Applicants-Claimants submits that as the 'Insurance Policy' was not cancelled, the Tribunal has rightly awarded the amount of compensation.

5] In my considered opinion, instead of entering into the merits of the claim, at this stage, it would be proper to consider the requirement of the Applicants-Claimants and having regard to the fact that the accident is of the year 1996, the Applicants-Claimants are permitted to withdraw 50% of the amount of compensation, subject to furnishing of usual undertaking.

6] The Civil Application is disposed of accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]