

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

**CIVIL APPLICATION NO. 3979 OF 2016
WITH
CIVIL APPLICATION NO. 3980 OF 2016
WITH
CIVIL APPLICATION NO. 864 OF 2018
IN
FIRST APPEAL STAMP NO. 18135 OF 2016**

The New India Assurance Co. Ltd.

... Applicant/
Appellant

Versus

Smt. Pranta @ Sangita Vasant Jambhulkar
and others

... Respondents

.....

Ms Poonam Mittal, Advocate for the Applicant/Appellant.

Mr. Vilas B. Tapkir, Advocate for Respondent Nos. 1 to 5.

.....

CORAM : A. S. CHANDURKAR, J.

DATE : 10th DECEMBER, 2018.

P. C.:

CIVIL APPLICATION NO. 3979 OF 2016

1. Though the prayer for condoning delay is opposed by the learned Counsel for the non applicants, considering the reasons mentioned the delay in filing First Appeal stands condoned.

2. The civil application is disposed of.

FIRST APPEAL STAMP NO. 18135 OF 2016

1. Heard.
2. *Admit.*
3. Mr. Tapkir, learned Counsel waives notice for respondent Nos. 1 to 5.
4. Call for the Record and Proceedings.

CIVIL APPLICATION NO. 3980 OF 2016

1. As the entire amount of compensation is deposited at the Claims Tribunal, the execution of the impugned award shall remain stayed during pendency of the appeal.
2. The civil application is disposed of.

CIVIL APPLICATION NO. 864 OF 2018

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 The claimants shall file undertaking within eight weeks from today that if the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct.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

(A. S. CHANDURKAR, J.)