

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

**CIVIL APPLICATION NO. 2320 OF 2017  
WITH  
CIVIL APPLICATION NO. 2321 OF 2017  
WITH  
CIVIL APPLICATION NO. 4120 OF 2018  
IN  
FIRST APPEAL STAMP NO. 19979 OF 2017**

United India Insurance Co. Ltd. ... Applicant  
Versus  
Moharsingh Atramsingh Rajput and others ... Respondents

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Ms. Varsha Chavan, Advocate for the Appellant/Applicant  
Mr. Sanjay A. Ghaisal, Advocate for the Respondent Nos. 1 to 4 and for  
Applicants in CA No. 4120 of 2018.

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**CORAM : A. S. CHANDURKAR, J.**

**DATE : 5<sup>th</sup> DECEMBER, 2018.**

**P. C.:**

**CIVIL APPLICATION NO. 2320 OF 2017**

1. Though the prayer for condoning delay is opposed by the learned Counsel for the respondent Nos. 1 to 4, considering the reasons mentioned in the application, the delay in filing First Appeal stands condoned.

2. The civil application is allowed and disposed of.

**FIRST APPEAL STAMP NO. 19979 OF 2017**

1. Issue notice to the respondents, returnable on 20<sup>th</sup> February, 2019.
2. Mr. Ghaisal, learned Counsel waives notice for respondent Nos.1 to 4.
3. In the meanwhile, call for the Record and Proceedings.

**CIVIL APPLICATION NO. 2321 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. 4120 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 The claimants shall file undertaking within six weeks from today that if the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct.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. )