

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

**FIRST APPEAL NO.198 OF 2017
WITH
CIVIL APPLICATION NO. 726 OF 2017
IN
FIRST APPEAL NO.198 OF 2017**

The National Insurance Company Limited .. Appellant

Vs.

Shri Keshav Dhondur Jadhav & Ors. .. Respondents

Ms.Poonam Mital, Advocate for appellant.

Mr.T. J. Mendon, Advocate for respondent Nos.1 to 3.

CORAM : A.S. CHANDURKAR, J.

DATE : 4TH DECEMBER 2018

P.C.

FIRST APPEAL NO.198 OF 2017

1 To be heard along with First Appeal No. 133 of 2017.

Leave granted to the appellant to file additional compilation of documents.

2 To come up as per C.M.I.S. date.

CIVIL APPLICATION NO. 726 OF 2017

3 As the appellant has deposited the entire amount of compensation as awarded by the Claims Tribunal, the execution of the impugned award shall remain stayed during pendency of the appeal.

4 The civil application stands disposed of.

**CIVIL APPLICATION (ST). NO.31519 OF 2018
(FOR WITHDRAWAL OF AMOUNT)**

5 Perused contents of the application as well as the impugned judgment. It is not in dispute that the applicant No.3 is a married sister. In view of the aforesaid and in the facts of the case, the applicant Nos.1 and 2 are permitted to withdraw 50 percent of the amount of compensation as deposited. The respondent Nos. 1 and 2 shall also file an undertaking within eight weeks from today that if the appeal is allowed, the amount withdrawn shall be repaid with interest at such rate the Court may direct. The remaining amount shall remain invested in the fixed deposit.

6 The civil application is disposed of.

(A.S. CHANDURKAR, J.)