

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

**FIRST APPEAL NO. 837 OF 2017
WITH
CIVIL APPLICATION NO. 2498 OF 2017
WITH
CIVIL APPLICATION (ST.) NO. 19290 OF 2018
IN
FIRST APPEAL NO. 837 OF 2017**

IFFCO TOKIO General Insurance Co. Ltd. .. Appellant

Vs.

Smt. Indubai Karbhari Kurkute & Ors. .. Respondents

Ms. Varsha Chavan, Advocate for appellant.

Ms. Sangeeta S. Salvi, Advocate for respondent Nos.1 to 4.

CORAM : A.S. CHANDURKAR, J.

DATE : 14TH DECEMBER 2018

P.C.

FIRST APPEAL NO. 837 OF 2017

1 Heard.

2 Admit.

Call for record and proceedings in Motor Accident Claim Petition No. 130 of 2014. The learned counsel waives notice on behalf of respondent Nos.1 to 4.

3 To come up for hearing with other connected appeals, viz., First Appeal No. 747 of 2017, First Appeal No. 744 of 2017, First Appeal No. 746 of 2017, First Appeal No. 743 of 2017, First Appeal No. 633 of 2017,

First Appeal No. 837 of 2017, First Appeal No. 1333 of 2017, First Appeal No. 1257 of 2017, First Appeal No. 868 of 2017, First Appeal No. 839 of 2017, First Appeal No. 926 of 2017, First Appeal No. 1310 of 2017, First Appeal No. 1260 of 2017, First Appeal No. 836 of 2017, First Appeal No. 753 of 2017, First Appeal No. 755 of 2017, First Appeal No. 838 of 2017, First Appeal No. 837 of 2017, First Appeal No. 736 of 2017, First Appeal No. 848 of 2017, First Appeal No. 788 of 2017, First Appeal No. 817 of 2017, First Appeal No. 1254 of 2017, First Appeal No. 745 of 2017, First Appeal No. 815 of 2017, First Appeal No. 714 of 2017, First Appeal No. 976 of 2018, First Appeal No. 1102 of 2017, First Appeal No. 694 of 2017, First Appeal No. 803 of 2018.

**CIVIL APPLICATION NO. 2498 OF 2017
(FOR STAY)**

4 As the entire amount of compensation has been deposited with the Claims Tribunal, the execution proceedings shall remain stayed till during pendency of the appeal.

5 The civil application is disposed of.

**CIVIL APPLICATION (ST.) NO. 19290 OF 2018
(FOR WITHDRAWAL)**

6 Heard the learned counsel and perused the impugned judgment.

7 Considering the nature of evidence on record, the claimant is permitted to withdraw 50% of the amount of compensation as deposited.

The claimant shall file an undertaking in this Court within a period of eight weeks stating therein that in case the appeal is allowed, the amount withdrawn shall be re-deposited with interest at such rate the Court may direct. The balance amount shall remain invested in fixed deposit.

8 The civil application is disposed of.

(A.S. CHANDURKAR, J.)