

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

FIRST APPEAL NO. 809 OF 2018

Reliance General Insurance Company Limited ... Appellant
Versus
Ankita Ashok Jogharee and others ... Respondents

**WITH
CIVIL APPLICATION NO. 3654 OF 2018
IN
FIRST APPEAL NO. 809 OF 2018**

Ankita Ashok Jogharee and others ... Applicants
Versus
Reliance General Insurance Co.Ltd. & anr. ... Respondents

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Mr. N. Mehta, Advocate i/b KMC Legal Venture for the Appellant.
Mr. Sameer M. Mangaonkar for Respondent Nos. 1 and 2 and for
Applicant in CA No.3654 of 2018

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CORAM : A. S. CHANDURKAR, J.

DATE : 22nd NOVEMBER, 2018.

P. C.:

FIRST APPEAL NO. 809 OF 2018

1. The learned Counsel for the appellant states that considering the limited challenge is raised, service on respondent No.3 be dispensed with.
2. Accordingly, service on respondent No.3 of the appeal is dispensed with.
3. Mr. Mangaonkar, learned Counsel waives notice on behalf of respondent Nos. 1 and 2.

4. Call for the Record and Proceedings of MACP No.29 of 2017 from the Claims Tribunal, Thane, within a period of eight weeks from today.
5. Liberty to the parties to apply for hearing of the appeal.

CIVIL APPLICATION NO. 3654 OF 2018

1. The applicant seeks permission to withdraw the amount of compensation as deposited by the appellant.
2. Perused the impugned judgment. Though, the prayer as made is opposed by the learned Counsel for the appellant, in the facts of the case the applicants are permitted to withdraw 50% of the amount of compensation as deposited by the appellant.
3. The applicant No.1 shall file a undertaking within a period of four weeks from today that in case the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct.
4. Civil application is disposed of.

(A. S. CHANDURKAR, J.)