

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

**CIVIL APPLICATION NO. 3241 OF 2017
WITH
CIVIL APPLICATION NO. 3246 OF 2017
WITH
CIVIL APPLICATION NO. 2392 OF 2018
IN
FIRST APPEAL STAMP NO. 28411 OF 2017**

Shriram General Insurance Company Ltd.	... Applicant
Versus	
Rukayya Nazir Shaikh and others	... Respondents

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Mr. Nikhil Mehta, Advocate i/b KMC Legal Ventures, Advocate for the Appellants-Applicants.

Mr. T. J. Mendon, Advocate for Respondent Nos.1 to 6 and for Applicants in CA No.2392 of 2018

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CORAM : A. S. CHANDURKAR, J.

DATE : 5th DECEMBER, 2018.

P. C.:

CIVIL APPLICATION NO. 3241 OF 2017

1. Though the prayer for condoning delay is opposed by the learned Counsel for the respondent Nos.1 to 6, considering the reasons mentioned, delay in filing the First Appeal stands condoned.
2. The civil application is allowed and disposed of.

FIRST APPEAL STAMP NO. 28411 OF 2017

1. Heard.
2. *Admit.*
3. Mr. Mendon, learned Counsel waives notice for Respondent Nos. 1 to 6.
4. Call for the Record and Proceedings.

CIVIL APPLICATION NO. 3246 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. 2392 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 The claimants shall file undertaking within six weeks from today that if the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct.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.)