

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2492 OF 2017
IN
FIRST APPEAL (ST.) No. 23023 OF 2017

Oriental Insurance Company Limited ...Applicant

Versus

Deepak J.Chadha & Ors. ...Respondents

WITH

CIVIL APPLICATION (ST.) NO. 29798 OF 2017
IN
FIRST APPEAL (ST.) No. 23023 OF 2017

Mr. Deepak J. Chadha & Ors. ...Applicants

IN THE MATTER OF

Oriental Insurance Co. Ltd. ...Appellant

Versus

Mr. Deepak J. Chadha & Ors. ...Respondents

.....

Mr.A.K. Sharma i/b. Gandhi & Associates for the original Appellant in FA.

Mr. Avinash M. Gokhale for the Respondents and the Applicants in CAF (St.) No. 29798 of 2017.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE : JANUARY 09, 2018

P.C.:

1. Upon urgent mentioning, taken on Production Board.

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2. This Application is moved for condonation of delay of 9 days in filing First Appeal.
3. The learned counsel for the applicant submitted that the delay is not deliberate but due to procedural requirement, delay is caused.
4. The learned counsel for the original claimants submits to the order passed by this Court. He further submits that in this Appeal, he has filed Caveat and stay is obtained.
5. In view of the reasons mentioned in the Civil Application, delay is condoned.
6. Civil Application is allowed and is disposed of accordingly.
7. First Appeal be registered.

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8. This Application is moved by the applicants/original claimants for withdrawal of an amount of Rs. 35,33,500/- along with interest @ 6% p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 31st March, 2017 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 649 of 2000.

9. The learned counsel for the applicants submitted that the applicants are in need of money and, therefore, they be allowed to withdraw the amount of compensation.

10. The learned counsel for the insurance company opposed this application. The appellant/insurance company has filed this Appeal on the point of quantum.

11. Considering the facts of the case and the submissions, the applicants are allowed to withdraw 50% of the amount of compensation with interest accrued thereon as per their entitlement

on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

12. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)