

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

**CIVIL APPLICATION NO. 2314 OF 2017
WITH
CIVIL APPLICATION NO. 2315 OF 2017
WITH
CIVIL APPLICATION NO. 3547 OF 2018
IN
FIRST APPEAL STAMP NO. 19942 OF 2017**

United India Insurance Co. Ltd. ... Applicant
Versus
Rajanshri Darshansingh Rajput and others ... Respondents

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Ms. Varsha Chavan, Advocate for the Appellant/Applicant
Mr. Sanjay A. Ghaisal, Advocate for the Respondent Nos. 1 and 2 and
for Applicants in CA No. 3547 of 2018.

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CORAM : A. S. CHANDURKAR, J.

DATE : 5th DECEMBER, 2018.

P. C.:

CIVIL APPLICATION NO. 2314 OF 2017

1. Considering the fact that the respondent No.3 was proceeded exparte even before the Claims Tribunal, service of this civil application on said respondent is dispensed with.
2. Considering the reasons mentioned in the application, the delay in filing the First Appeal stands condoned.
3. The civil application is allowed and disposed of.

FIRST APPEAL STAMP NO. 19942 OF 2017

1. Issue notice to the respondents, returnable on 20th February, 2019.
2. Mr. Ghaisal, learned Counsel waives notice for respondent Nos.1 and 2.
3. In the meanwhile, call for the Record and Proceedings.

CIVIL APPLICATION NO. 2315 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. 3547 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 The claimants shall file undertaking within six weeks from today that if the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct.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.)