

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4222 OF 2018
with
CIVIL APPLICATION NO. 4221 OF 2019
IN
FIRST APPEAL (ST) NO. 32158 OF 2018

New India Assurance Co. Ltd. ..Applicant

v/s.

Smt. Indubai @ Indira Pandurang Jadhav
& Ors. ..Respondents

CIVIL APPLICATION NO. 2673 OF 2019
IN
FIRST APPEAL (ST) NO. 32158 OF 2018

Smt. Indubai @ Indira Pandurang Jadhav
& Ors. ..Applicant

v/s.

New India Assurance Co. Ltd. ..Respondents

Ms. Shalini Shankar for the Applicant in CAF 4222/19 and CAF 4221/19 and for the Respondent in CAF 2673/19.

Mr. Bhushan Walaimbe for the Respondent No.1 in CAF 4222/19 and CAF 4221/19 and for the applicant in CAF 2673/19.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 24th SEPTEMBER, 2019.

P.C.

CIVIL APPLICATION NO. 4222 OF 2019

1. The learned Counsel for the appellant and the respondent state that the entire compensation as per the impugned judgment and award has already been deposited before the Claims Tribunal.
2. In the light of the said statement, execution of the impugned judgment and award dated 3.5.2018 passed by the learned MACT, Sangli in MACP No.25 of 2017, is stayed till disposal of the appeal.
3. Application stands disposed of.

CIVIL APPLICATION NO. 4221 OF 2019

1. The learned Counsel for the appellant states that though several grounds have been raised, the challenge is only to the quantum of compensation. She therefore states that the notice to respondent nos.2 and 3 be dispensed with.
2. By this application, the applicant has sought to condone the delay of 29 days in filing the appeal. The respondent no.1 has no objection for condoning the delay. In the light of the said statement, and in view of the reasons stated in the application, the delay is

condoned.

4. Appeal be registered subject to removal of office objections, if any.

5. The learned Counsel for the appellant and respondent state that the matter is likely to be settled. Hence, the appeal be fixed before the appropriate Bench after three weeks for “Settlement”.

CIVIL APPLICATION NO. 2673 OF 2019

1. By this application, the applicant has sought to withdraw the compensation awarded by the MACT, Islampur in MACP No.25 of 2017.

2. By the impugned judgment and award the Claims Tribunal has awarded compensation of Rs.17,94,000/- with interest at the rate of 7% per annum from the date of petition till realization.

3. Considering the reasons stated in the application, as well as the grounds raised in the appeal memo, the application is permitted to withdraw 50 % of the amount with appropriate interest accrued thereon. Suffice it to say that withdrawal of the amount shall be subject to the final outcome of the appeal.

6. The applicants shall furnish an undertaking before the MACT that they will abide by the final orders that may be passed in this appeal.
7. The balance amount be reinvested in the names of the respective applicants, in any nationalized bank after making the payment as stated above.
8. Civil application stands disposed of.

(ANUJA PRABHUDESSAI, J.)