

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

**CIVIL APPLICATION NO.108 OF 2019
WITH
CIVIL APPLICATION NO.1177 OF 2019
IN
FIRST APPEAL (STAMP) NO.36767 OF 2018
WITH
FIRST APPEAL (STAMP) NO.36767 OF 2018**

The New India Assurance Co. Ltd. ...Applicant
Versus
Mujjir Abbas Jambhlikar and Ors. ...Respondents

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Mr. D.S. Joshi for the Applicant in CAF/108/2019 and for the Appellant in FAST/36767/2018.

Mr. Tejpal S. Ingale for the Respondent Nos.1 and 2 in FAST/36767/2018 and for the Applicant in CAF/1177/2019.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd SEPTEMBER, 2019.

P.C.:-

ORDER IN CIVIL APPLICATION NO.108 OF 2019 :-

By this application, the Applicant has sought to condone the delay of 116 days in filing the first appeal against the judgment and award dated 17th May, 2018 passed by the learned Member, M.A.C.T., Sangli, in M.A.C.P NO.21 OF 2010.

2. In view of the reasons stated in paragraph 4 of the

application, which in my considered view constitute sufficient ground, the delay is condoned subject to payment of cost of Rs.2,000/- to be paid to the Juvenile Justice Fund.

3. The application stands disposed of.

4. The Appeal be registered subject to removal of the office objections and be listed for admission on **14/10/2019**.

ORDER IN CIVIL APPLICATION NO.1177 OF 2019:-

5. The Applicant herein has sought withdrawal of compensation deposited by the Appellant-Insurance Company pursuant to the impugned judgment. By the impugned judgment and award the Claims Tribunal has awarded total compensation of Rs.58,62,000/- alongiwth interest @ 9% per annum from the date of filing of the petition till final realization.

6. The deceased was 18 years old and an engineering student. The Tribunal has considered the income of the deceased as Rs.40,000/- per month. The Appellant-Insurance Company has challenged the quantum of compensation.

7. Considering the reasons stated in the application as well as the grounds raised by the Appellant-Insurance Company the compensation of Rs.2,00,000/- alongwith the proportionate interest accrued thereon is ordered to be paid to the Respondent Nos.1 and 2. The Respondent Nos.1 and 2 to file an undertaking before the Tribunal that in the event the Appellant succeeds, the Respondent Nos.1 and 2 will refund the amount. The Tribunal to deposit the balance amount in fixed deposits in any Nationalised Bank until further orders.

8. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)