IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.196 OF 2018
WITH
CIVIL APPLICATION NO.642 OF 2019
IN
FIRST APPEAL NO.196 OF 2018

Reliance General Insurance Company Limited through its Manager Legal Mr. Priyank Shah ….Appellant

V/s.

Smt. Ashabai W/o Vasantrao Kunde and Ors. ….Respondents

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Mr. Rahul Mehta I/b. M/s. KMC Legal Venture for the Appellant in FA/196/2018
Mr. Pratham Shirvale I/b. Mr. Sanjay P. Shinde for the Respondent No.3.
Mr. Pritesh K. Bohade for the Respondent No.1 and for the Applicant in CAF/642/2019.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th AUGUST, 2019.

P.C.:-

ORDER IN CIVIL APPLICATION NO.642 OF 2019

By this application, the Applicant, who is the original claimant, has sought withdrawal of the compensation awarded by the Claims Tribunal, Niphad vide judgment dated 17th March, 2017 in M.A.C.P.No.19 of 2012. By the impugned judgment, the Claims

Tribunal awarded compensation of Rs.4,15,625/- alongwith interest @ 7% per annum from the date of filing of this petition till the realization of entire amount.

2. The Applicant herein is the widow of Deceased -Vasantrao Gangadhar Kunde, who expired in a motor vehicular accident on 11/11/2011. The Applicant has stated that disposal of the appeal may take several years and that she has no other source of income.

3. Considering the reasons stated in the application as well as the grounds raised in the appeal memo, it would be just and proper to allow withdrawal of 50% of compensation with proportionate interest accrued thereon. Suffice it to say that the withdrawal of the compensation is subject to final outcome of the appeal. The Applicant /original Claimant shall give an undertaking that she shall refund the compensation alongwith interest in the event it is held that the Respondent-Insurance company is not liable to indemnify the insured.

4. The Civil Application stands disposed of.

ORDER IN THE FIRST APPEAL NO.196 OF 2018:-

5. The learned counsel for the Appellant seeks leave to file notes of evidence. Leave is granted. To be filed in the registry before the next date with copy to the other side. Parties are put to notice that an endavour will be made to dispose of the appeal finally at the stage of admission.

6. Stand over to **19/8/2019.**

(SMT. ANUJA PRABHUDESSAI, J.)

Megha Parab
Digitally signed by Megha Parab
Date: 2019.08.07 14:46:42 +0530