IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST) NO. 7274 OF 2018
IN
FIRST APPEAL (ST) NO. 24064 OF 2016

Smt.Latika Harshad Katkar & Ors. ….. Applicants

IN THE MATTER BETWEEN

Reliance General Insurance Co. Ltd. ….. Appellant

VERSUS

Smt.Latika Harshad Katkar & Ors. ….. Respondents

Ms.Rui Danawala, i/b. M/s.Res Juris for the Applicant in CAF/4791/2016 and CAF/4792/2016.

Ms.Falguni Parkar, i/b. Mr.Avinash M.Gokhale for the Respondents/Applicant in CAFST/29578/2016 and CAFST/7274/2018.

CORAM : R.D. DHANUKA, J.

DATE : 20th NOVEMBER, 2019

P.C.

Not on board. By consent of parties, taken on board.

2. The applicants have prayed for withdrawal of the amount deposited by the insurance company pursuant to the interim order passed by this court.

3. The deceased Mr.Harshad Katkar succumbed to the injuries and died on the spot at the place of accident. The Tribunal has rendered a finding in favour of the claimant. The insurance company however has impugned the judgment and award disputing the employer employee relationship between the deceased and the opponent no.1.

4. Considering the findings rendered by the Tribunal, in my *prima facie* view, the applicants can be permitted to withdraw 50% of the amount deposited by the Insurance company before the trial court on furnishing an undertaking that in the event if the applicants does not succeed in the first appeal filed by the insurance company, the applicants would return the said amount with such interest as this court may direct. Such undertaking shall be filed within four weeks from today.

5. The trial court shall permit the applicants to withdraw 50% of the amount deposited by the insurance company within two weeks from the date of furnishing such undertaking. A copy of the undertaking shall be furnished to the insurance company simultaneously.

6. Trial court as well as parties to act on the authenticated copy of this order.

7. The balance amount deposited by the insurance company shall be invested by the trial court in the fixed deposit of a nationalized bank initially for a period of five years and thereafter for a like period after obtaining further orders from the trial court depending upon the pendency of the first appeal.

8. Civil application is disposed of on the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]