

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

**CIVIL APPLICATION NO. 3827 OF 2018
IN
FIRST APPEAL (ST.) NO. 12056 OF 2018**

The New India Assurance Co. Ltd.Appellant
V/s.
Surekha Rangrao Awale and ors.Respondents

**WITH
CIVIL APPLICATION NO. 2784 OF 2019
IN
FIRST APPEAL (ST.) NO. 12056 OF 2018**

Tanaji Dadu Awale and anr.Applicants

In the matter between :-

The New India Assurance Co. Ltd.Appellant
V/s.
Surekha Rangrao Awale and ors.Respondents

Ms. S.S. Dwivedi for the applicant in CAF/3827/2018 and
for the appellant in FAST/12056/2018 and for the respondents
in CAF/2784/2019.

Mr. Yuvraj P. Narvankar for respondent nos.1 to 6 and for
the applicants in CAF/2784/2019.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 27th AUGUST, 2019**

P.C.:-

ORDER IN CIVIL APPLICATION NO. 3827 OF 2018 :-

1. The applicant herein has sought to condone the delay of 131 days
in filing the appeal against the judgment and award dated 05/07/2017
passed by the MACT, Satara in MACP No.68/2015. The learned

counsel for the respondent nos.1 to 6 has no objection for condoning the delay. The respondent no.7 has not contested the proceedings despite due service.

2. In the light of the statement made by the learned counsel for the respondent nos.1 to 6 and in view of the reasons stated in the application, delay is condoned. Appeal be registered after removal of office objections, if any.

3. Civil Application No.3827 of 2018 stands disposed of.

ORDER IN CIVIL APPLICATION NO. 2784 OF 2019 :-

4. The applicants who are the original claimants have sought withdrawal of the amount deposited by the respondent – insurance company pursuant to the judgment and award dated 05/07/2017 passed by the MACT, Satara in MACP No.68/2015.

5. By the impugned judgment and award, the Claims Tribunal has awarded compensation of Rs.16,40,000/- inclusive of no fault liability. The applicant no.1 who is the father of the deceased is awarded compensation of Rs.1,00,000/- with proportionate costs and interest

and the applicant no.2 who is the mother of the deceased is awarded compensation of Rs.1,40,000/- with proportionate costs and interest.

6. The applicants have stated that they need money for their medical expenses and also for day to day expenses. Considering the reasons stated in the application as well as the grounds set out in the appeal memo, compensation of Rs.50,000/- each along with proportionate interest is ordered to be paid to the applicant nos.1 and 2 respectively.

7. Suffice it to say that the payment / withdrawal of the compensation is subject to the final outcome of the appeal. The applicants shall give an undertaking to the Claims Tribunal, Satara that they shall refund the amount with interest in the event the appellant – insurance company succeeds in the appeal. The Tribunal to re-invest the balance amount of compensation in any nationalized bank until further orders.

8. Civil Application No.2784 of 2019 stands disposed of.

ORDER IN FIRST APPEAL (ST.) NO. 12056 OF 2018 :-

9. Mr. Yuvraj P. Narvankar, learned counsel waives service on behalf of respondent nos.1 to 6. The learned counsel for the appellant states that though the appellant has raised other grounds, the challenge is restricted to the quantum of compensation. With consent, matter is referred to Lok Adalat. Registrar (Judicial-II) to place the matter before Lok Adalat scheduled on 14/09/2019.

(SMT. ANUJA PRABHUDESSAI, J.)

Digitally
signed by
Preeti H.
Jayani
Date:
2019.09.03
16:48:46
+05:30

Preeti
H.
Jayani