

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

CIVIL APPLICATION NO. 3099 OF 2018

IN

FIRST APPEAL (ST.) NO. 21118 OF 2018

National Insurance Co. Ltd.

....Applicant

V/s.

Apurva Ekanath Pawar and ors.

....Respondents

WITH

CIVIL APPLICATION NO. 3119 OF 2019

IN

FIRST APPEAL (ST.) NO. 21118 OF 2018

Apurva Ekanath Pawar

....Applicant

In the matter between :-

National Insurance Co. Ltd.

....Appellant

V/s.

Apurva Ekanath Pawar and ors.

....Respondents

Mr. S.S. Dwivedi for the applicant in CAF/3099/2018 and for the appellant in FAST/21118/2018 and for the respondent in CAF/3119/2019.

Mr. Kedar P. Lad for respondent no.1 and for the applicant in CAF/3119/2019.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th OCTOBER, 2019

P.C.:-

ORDER IN CIVIL APPLICATION NO. 3119 OF 2019 :-

1. The applicant herein who was the original claimant has sought withdrawal of the compensation awarded by the learned Member, MACT, Kolhapur.

2. By the impugned judgment and award, the Claims Tribunal has

awarded total compensation of Rs.11,89,471/- inclusive of no fault liability with interest @ 9% p.a. from the date of filing of the application till final realization of the amount.

3. The applicant who was injured in a motor vehicular accident and stated to have suffered 75% of permanent disablement. The applicant has stated that she has to incur heavy expenses on her medical treatment. She states that she needs money for her day to day expenses and that she has no other source of income and is in dire need of financial assistance.

4. Considering the reasons stated in the application as well as the grounds raised in the appeal memo, 50% of the compensation along with proportionate interest accrued thereon is ordered to be paid to the applicant – Apurva Ekanath Pawar. The Tribunal to invest the balance amount in any nationalized bank till the disposal of the appeal.

5. It is made clear that the payment of compensation is subject to the final outcome of the appeal. The applicant shall give an undertaking before the Tribunal that she shall abide by the order that may be passed in the appeal.

6. Civil Application No.3119 of 2019 stands disposed of.

ORDER IN CIVIL APPLICATION NO. 3099 OF 2018 :-

7. By this application, the applicant has sought to condone the delay of 89 days in filing the appeal against the judgment and award dated 09/01/2018 passed by the learned Member, MACT, Kolhapur.

8. The learned counsel for respondent no.1 has no objection for condoning the delay. The respondent nos.2 and 3 have not contested the proceedings despite due service. In view of the statement made by the learned counsel for respondent no.1 and in view of the reasons stated in the application, delay is condoned.

9. Civil Application No. 3099 of 2018 stands disposed of.

ORDER IN FIRST APPEAL (ST.) NO.21118 OF 2018 :-

10. Appeal be registered subject to removal of office objections, if any. Mr. Kedar P. Lad, learned counsel waives service on behalf of respondent no.1. Notice be issued to respondent nos.2 and 3, returnable on 27/11/2019. Appeal be listed 'for admission' on 27/11/2019.

Preeti H.
Jayani

Digitally signed by
Preeti H. Jayani
Date: 2019.10.24
12:07:29 +0530

(SMT. ANUJA PRABHUDESSAI, J.)