

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

**CIVIL APPLICATION NO. 62 OF 2019
WITH
CIVIL APPLICATION NO. 2984 of 2019
IN
FIRST APPEAL (STAMP) NO. 20334 OF 2018**

Reliance General Insurance Company Ltd.
Through its Corporate Office.

..Applicant

v/s.

Mr. Ravindra Uttam Hire and Ors. .

..Respondents

Mr. Rahul Mehta I/b KMC Legal Venture for the Applicant in CAF No. 62/2019 and Appellant in FAST No. 20334/2018 and for Respondent in CAF No. 2984/2019.

Mr. Rajan S. Pawar for the Respondent Nos. 1 to 3 and Applicant in CAF No. 2984/2019.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 28th AUGUST, 2019.**

P.C.

1 By this application the applicant has sought to condone the delay of 12 days in filing the first appeal against the Judgment and Award dated 27/02/2018, passed by learned Member, MACT, Nashik in Claim Petition No. 672 of 2013. The learned Counsel for

the Respondent Nos. 1 to 3 has no objection. The respondent no. 4 has not appeared despite the service. In the light of the statement made by the learned Counsel for respondent nos. 1 to 3 and in view of the reasons stated in the application, delay is condoned. Appeal be registered subject to removal of office objections.

2. Civil Application No. 62 of 2019 is disposed of.

CIVIL APPLICATION NO. 2984 OF 2019

1 By this application, the applicants have sought withdrawal of the compensation amount awarded by MACT, Nashik in Claim Petition No. 672 of 2013. By the impugned Judgment and Award, the learned Tribunal has awarded compensation of Rs. 15,94,136/-.

2 The Learned Counsel for the appellant-Insurance Company states that in view of the observations made by the learned Tribunal in 'para 21' of the impugned judgment, the Insurance Company has deposited entire amount along with interest at the rate

of Rs.6% per annum which works out to Rs.21,11,022/-.

3 The applicants have stated that the deceased was the only earning member. They have stated that they are in need of money to meet their day to day expenses. They further stated that they are in need of money as the marriage of applicant no.2 is scheduled on 11/09/2019. In view of the reasons stated in the application, an amount of Rs.2,65,000/- is ordered to be paid to the applicant nos. 1 and 2 and an amount of Rs.1,30,000/- is ordered to be paid to the applicant no.3 with proportionate interest accrued thereon. Suffice it to say that the withdrawal is subject to final outcome of the appeal.

4 The applicants shall furnish an undertaking before the tribunal that they will abide by the final orders that may be passed in this appeal.

5 The MACT, to re-invest the balance amount in the names of the respective applicants, in any nationalized bank after making

the payment as stated above.

6 Civil application stands disposed of.

FIRST APPEAL (STAMP) NO.20334 OF 2018

1 Issue notice to the respondent nos. 1 to 4, returnable after six weeks. Private service is permitted.

2 The Learned Counsel for respondent nos. 1 to 3 waives service.

3 Appeal be listed for Admission on 9th October, 2019.

(ANUJA PRABHUDESSAI, J.)