

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

CIVIL APPLICATION NO. 1897 OF 2018
WITH
CIVIL APPLICATION NO. 2214 of 2019
IN
FIRST APPEAL (st) NO. 3275 OF 2018

Reliance General Insurance Co. Ltd. ..Applicant

v/s.

Ashwin Liladhar Dua & Anr. ..Respondents

Ms. Shalini Shankar for the Applicant/ Appellant in CAF 1897/2018 and FAST/3275/2018 and for the respondent in CAF/2214/19.
Ms. Rina Kundu for the applicant in CAF/2214/2019 and for the Respondent No.1 in CAF/1897/2018 and FAST/3275/2018.

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

P.C.

CIVIL APPLICATION NO. 1897 OF 2018

1. By this application the applicant -Insurance Company has sought to condone the delay of 121 days in filing appeal against the judgment and award dated 20.6.2017 in passed by the MACT, Vasai , in MACP No.108 of 2013.

2. In view of the reasons stated in paragraph 3 and 4 of the

application, the delay is condoned, subject to payment of cost of Rs.2000/- to be paid to the Juvenile Justice Fund.

3. Appeal be registered, subject to payment of cost and removal of office objections, if any.

4. Issue notice to the respondents, returnable in four weeks. Learned Counsel Ms.Kundu waives service on behalf of the respondent no.1.

5. Civil application stands disposed of.

CIVIL APPLICATION NO. 2214 OF 2019.

1. The applicant herein has sought withdrawal of the compensation amount deposited by the Insurance Company, in compliance with the judgment and award dated 20.6.2017 in MACP No.108 of 2013 passed by the MACT, Vasai.

2. By the impugned judgment and award, the MACT, Vasai, has awarded total compensation of Rs.9,23,000/ with interest at the rate of 7% per anum from the date of petition till final realization.

3. Considering the reasons stated in the application, as well as the grounds raised in the appeal memo, the applicant is allowed to

withdraw 50% of the compensation alongwith proportionate interest accrued thereon. Suffice it to say that the withdrawal is subject to final outcome of the appeal.

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

5. The MACT, to re-invest the balance amount in the name of the applicant, in any nationalized bank after making the payment as stated above.

6. Civil application stands disposed of.

(ANUJA PRABHUDESSAI, J.)