

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

CIVIL APPLICATION NO. 4122 OF 2018
with
CIVIL APPLICATION NO. 4123 OF 2018
and
CIVIL APPLICATION NO. 2295 OF 2018
IN
FIRST APPEAL (ST) NO. 33451 OF 2018

Bajaj Allianz General Insurance Co. Ltd.
through Manager ..Appellant

v/s.

Mukta Ravi Gumbhade & Anr. ..Respondents

Mr. Sarthak Diwan for the Applicant in CAF/4122/2018 and 4123/2018 and for the Respondent in CAF/2295/2018

Mr. Pritesh Bohade for the Applicant in CAF/2295/2018 and for the Respondents in CAF/4122/2018 & CAF/ 4123/ 2018.

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

P.C.

CIVIL APPLICATION NO. 4122 OF 2018.

1. The learned Counsel for the applicant seeks extension of time to carry out amendment as per the order dated 7.8.2019. Amendment

to be carried out forthwith.

2. By this application, the applicant has sought to condone the delay of 160 days in filing the appeal against the judgment and award dated 30.6.2017 passed by the MACT Nashik, in Claims Petition No. 536 of 2013.

3. The learned Counsel for the respondent nos.1 and 2 has no objection for condoning the delay. The respondent no.4 has not contested the application despite due service. In the light of the statement made by the learned Counsel for the respondent nos.1 and 2, and in view of the reasons stated in the application the delay is condoned, subject to payment of cost of Rs.1000/- to the Juvenile Justice Fund.

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

5. Issue notice. Learned Counsel for the respondent nos.1 and 2 waives notice. Notice be issued to the respondent no.4.

6. Appeal be listed for admission after four weeks.

7. Civil application stands disposed of.

CIVIL APPLICATION NO. 4123 OF 2018

1. By this application the applicant-Insurance Company has sought to stay execution and implementation of the impugned judgment and award dated 30.6.2017 passed by the MACT Nashik, in Claims Petition No. 536 of 2013.

2. The learned Counsel for the applicant states that entire amount along with interest has been deposited before the Tribunal. The said statement is not controverted by the learned Counsel for the respondent. In the light of the said statement, execution of impugned judgment and award is stayed till disposal of the appeal.

. Civil application stands disposed of.

CIVIL APPLICATION NO.2295 OF 2019.

1. By this application, the applicants have sought withdrawal of the compensation awarded by the Claims Tribunal, Nashik in Claim Petition No. 536 of 2013.

2. By the impugned judgment and award the Claims Tribunal, has awarded compensation of Rs.4,32,400/- with

interest @ 9% per anum from the date of petition till realization.

3. The applicant no.1 is the widow and the applicant no.2 is the minor son of deceased Ravi Gumbhade. The applicants have stated that the applicant was the only earning member and that they have no other source of income. Considering the reasons stated in the application, as well as the grounds raised in the appeal memo, 50% of the compensation alongwith proportionate interest accrued thereon is allowed to be withdrawn by the applicant no.1. Since the applicant no.2 is a minor, the applicant no.1 is permitted to withdraw the interest on 25% of the total compensation so as to enable her to meet educational and other expenses of the minor. 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 on behalf of herself and on behalf of applicant no.2, that they will abide by the final orders that may be passed in this appeal, and that she will return the amount withdrawn in the event the appellant succeeds in the 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.

. Civil application stands disposed of.

(ANUJA PRABHUDESSAI, J.)