

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

**INTERIM APPLICATION NO. 650 OF 2021
WITH
CIVIL APPLICATION NO. 4414 OF 2018
IN
FIRST APPEAL (ST.) NO. 17357 OF 2017**

Gulam Ahmed Tade and ors. Applicants

In the matter between :-

Bajaj Allianz General Insurance Co. Ltd. Appellant

v/s.

Gulam Ahmed Tade and ors. Respondents

**WITH
CIVIL APPLICATION NO. 3733 OF 2017
WITH
CIVIL APPLICATION NO. 3734 OF 2017
IN
FIRST APPEAL (ST.) NO. 17357 OF 2017**

Bajaj Allianz General Insurance Co. Ltd. Appellant

v/s.

Gulam Ahmed Tade and ors. Respondents

Ms. Amrin i/b. Avinash Gokhale for Applicants/

Orig. Respondent Nos.1 and 2.

Mrs. Yogita Deshmukh Chitnis for the Appellant – Insurance Company.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 02nd JULY, 2021.

P. C. :-

ORDER IN INTERIM APPLICATION NO. 650 OF 2021 :-

1. This is an Application for withdrawal of compensation deposited

by the Appellant – Insurance Company pursuant to the judgment and award dated 31/08/2016 passed by the MACT, Mumbai in MACP No.643/2009. By the impugned judgment, the Claims Tribunal has awarded compensation of Rs.4,87,000/- with interest @ 7.5% p.a.

2. The Applicant are the parents of the deceased. They claim to be senior citizens with no independent source of income. It is stated that they are in dire need of money to meet their day-to-day expenses. Having considered the grounds raised in the Appeal memo and reasons stated in the Application, each of the Applicants are allowed to withdraw 25% of the compensation with proportionate interest accrued thereon. Suffice it to say that withdrawal shall be subject to the final outcome of the Appeal. The Applicants shall give an undertaking before the Tribunal that they shall abide by the order that may be passed in the Appeal.

3. Interim Application No.650 of 2021 stands disposed of.

ORDER IN CIVIL APPLICATION NO.4414 OF 2018 :-

4. Not on board. With consent, taken on board.

5. Learned counsel for the Applicants, under instructions, seeks

leave to withdraw the Application. Leave is granted. Civil Application No.4414 of 2018 stands dismissed as withdrawn.

ORDER IN CIVIL APPLICATION NO.3734 OF 2017 :-

6. Not on board. With consent, taken on board.
7. Learned counsel for the Appellant states that the entire amount of compensation has been deposited before the Tribunal. In the light of said statement, execution and implementation of the impugned judgment and award dated 31/08/2016 is stayed till the disposal of the Appeal.
8. Civil Application No.3734 of 2017 stands disposed of.

ORDER IN CIVIL APPLICATION NO.3733 OF 2017 :-

9. Not on board. With consent, taken on board.
10. Ms. Amrin Khan, learned counsel waives service on behalf of Respondent Nos.1 and 2. Notice issued to Respondent Nos.3 returned unserved with an endorsement 'left the premises'. Applicants to take steps before the next date.
11. Stand over to 13/08/2021.

(SMT. ANUJA PRABHUDESSAI, J.)