

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

**CIVIL APPLICATION NO. 926 OF 2019
(FOR CONDONATION OF DELAY)
IN
FIRST APPEAL (ST.) NO. 6355 OF 2019**

Divisional Officer, L & T
General Insurance Company Ltd.
V/s.

.....**Applicant**

1. Francisca Paresh Temghare
and Ors.

....**Respondents**

* * * *

Mr. Abhijit Kulkarni, Advocate for the applicant.

Mr. Rahul D. Motkari, Advocate for the respondents.

CORAM : SANDEEP K. SHINDE, J.

Friday, 30th April, 2021.
(through Video Conference)

P.C. :

1. Not on board. Taken on board.
2. Heard Mr. Kulkarni, learned Counsel for the applicant
and Mr. Motkari for the respondents.

3. It is an application for condonation of 10 days delay occurred in filing the Appeal against the judgment and Award drawn in M.A.C.P. No.1487/2011.

4. The application is opposed by Mr. Motkari. That for the reasons stated in the application, the delay is condoned. The application is allowed in terms of prayer clause (b).

(Sandeep K. Shinde, J.)

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

FIRST APPEAL (ST.) NO. 6355 OF 2019

Divisional Officer, L & T General
Insurance Company Ltd. & Ors.Appellant

V/s.
Francisca Paresh Temghare
and Ors.Respondents

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Mr. Abhijit Kulkarni, Advocate for the applicant.

Mr. Rahul D. Motkari, Advocate for the respondents.

CORAM : SANDEEP K. SHINDE, J.

Friday, 30th April, 2021.
(through Video Conference)

P.C. :

1. Heard learned Counsel for the parties. Mr. Motkari, waives service of notice on behalf of respondents no.1, 2 and 3.
2. Issue notice to respondent no.4 returnable after 8 weeks.

3. Admit. Call for records and proceedings from the trial Court.

(SANDEEP K. SHINDE, J.)

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

INTERIM APPLICATION NO. 1165 OF 2020

IN

FIRST APPEAL (ST.) NO. 6355 OF 2019

Francisca Paresh Temghare

and Ors.

.....Applicants

IN THE MATTER BETWEEN :

Divisional Officer, L & T General

Insurance Co. Ltd. And Ors.

.....Appellant

V/s.

Francisca Paresh Temghare & Ors.

.....Respondents

Mr. Rahul Motkari, Advocate for the applicants.

Mr. Abhijit Kulkarni, Advocate for the original Appellant
and applicant in CA-926-2019.

CORAM :- SANDEEP K. SHINDE, J.

Friday, 30th April, 2021.

P.C. :

1. Pending First Appeal, the Claimants in
M.A.C.P. No. 1487 of 2011, are seeking leave to withdraw
the amount of compensation deposited by the appellant-

Insurance Company in satisfaction of Award dated 27th August, 2018 drawn in M.A.C.P. No. 1487/2011 by M.A.C.T. Nashik. Applicant no.1 is a Widow; applicant no.2 is the daughter and applicant no.3 is the mother of Paresh Temghare, who died in a vehicular accident. It is submitted that, applicants do not have independent source of income and therefore they may be permitted to withdraw 50% of the compensation alongwith interest accrued thereon.

2. In consideration of the facts of the case, on a formal application being made by the applicants (claimants), the Member, MACT shall disburse/pay to the applicants, compensation in the following manner :

- (i) Francisca Paresh Temghare-applicant no.1-
Rs.11,00,000/-
- (ii) Chhaya Prabhakar Temghare-applicant no.3-
Rs.5,00,000/-.

3. The remaining amount shall be invested in the Fixed Deposits, of any nationalised Bank, initially for a period of 2 years and thereafter renew the same from time to time. Applicants no.1 and 3 i.e. widow and mother of the deceased, shall file an usual Undertaking to bring back the money, in case, the Appeal is allowed and subject to order passed therein.

4. The Member, M.A.C.T. shall process the application of the claimants, preferably on/or before 30th May, 2021.

5. The Civil Application is allowed and disposed of in the aforesaid terms.

6. The Member, M.A.C.T. shall act on authenticated copy of this order.

(SANDEEP K. SHINDE, J.)