

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2400 OF 2021
IN
FIRST APPEAL (ST.) NO.12336 OF 2021

Reliance General Insurance Co. Ltd. ...Applicant/Appellant
vs.
Reshma Tanaji Lohakare and Anr. ...Respondents

VISHAL
SUBHASH
PAREKAR

Mr. Pandit Kasar, for the Applicant/Appellant
Ms. Varsha Chavan, for the Respondent No. 1.

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Date: 2021.12.07
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CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 07, 2021

P.C.:

- . Heard the learned counsel for the applicant.
2. The learned counsel for the applicant seeks leave to withdraw the application as there is no delay in preferring the appeal, if the period of pandemic is excluded from the computation.
3. In view of the aforesaid submission, the application for delay stands disposed of as withdrawn.
4. Heard the learned counsel for the applicant and the learned counsel for the respondent No.1/ insurer.
5. This application is preferred seeking permission to withdraw the amount of compensation deposited by the respondent No. 1 in terms of judgment and award dated 15th January, 2021 passed in MACP No. 1334 of 2015 passed by the learned Member, MACT,

Mumbai.

6. The learned counsel for the respondent resisted the prayer for withdrawal.

7. Having regard to the nature of the injuries suffered by the applicant, it may be expedient to allow the applicant to withdraw 60% of the amount of compensation deposited by the respondent/insurer subject to usual undertaking.

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicant is permitted to withdraw 60% of the amount of compensation deposited by the respondent/insurer along with interest accrued thereon, subject to furnishing an undertaking before the Tribunal to bring back the amount in the event the appeal is allowed and it is held that the applicants-claimants are not entitled to the compensation.

3] The application stands disposed of.

(N. J. JAMADAR, J.)