

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

**INTERIM APPLICATION (ST.) NO. 10223 OF 2021  
IN  
FIRST APPEAL (ST.) NO. 19645 OF 2019**

Raosaheb Jibhau Daitkar and ors. .... Applicants

In the matter between :-

The Divisional Officer, Oriental  
Insurance Co. Ltd. .... Appellant

v/s.

Raosaheb Jibhau Daitkar and ors. .... Respondents

**WITH  
CIVIL APPLICATION NO. 2641 OF 2019  
IN  
FIRST APPEAL (ST.) NO. 19645 OF 2019  
WITH  
FIRST APPEAL (ST.) NO. 19645 OF 2019**

The Divisional Officer, Oriental  
Insurance Co. Ltd. .... Applicant

v/s.

Raosaheb Jibhau Daitkar and ors. .... Respondents

Mr. Pritesh K. Bohade for the Applicants.

Mrs. S.S. Dwivedi for the Respondent.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 18<sup>th</sup> JUNE, 2021.**

**P. C. :-**

**ORDER IN INTERIM APPLICATION (ST.) NO. 10223 OF 2021 :-**

. The Applicants who are the Original Claimants in Motor Accident  
Claim Petition No.924/2017 filed before MACT, Nashik have sought

leave to withdraw additional amount of compensation deposited by the Appellant – Insurance Company in compliance with the Judgment and Award dated 29/11/2018.

2. The Applicants were earlier allowed to withdraw compensation of Rs.4,00,000/-. Considering the reasons stated in the Application, Applicant Nos.1 and 2 are permitted to withdraw further amount of Rs.1,00,000/- each with proportionate interest accrued thereon. The Applicant No.3 is a minor. Hence, I am not inclined to allow withdrawal on behalf of the minor - Applicant No.3. It is made clear that the payment/withdrawal is 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 and refund the money with interest, if so directed.

3. Interim Application (St.) No.10223 of 2021 stands disposed of.

**ORDER IN CIVIL APPLICATION NO. 2641 OF 2019 :-**

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

5. The Applicant herein has sought to condone the delay of 103 days in filing the Appeal. Having gone through the records and the

reasons stated in the Application, which in my considered view, constitute sufficient ground, delay is condoned. First Appeal be registered, after office objections, if any, are removed.

6. Civil Application No.2641 of 2019 stands disposed of.

**ORDER IN FIRST APPEAL (ST.) NO. 19645 OF 2019 :-**

7. Not on board. With consent, taken on board. Heard. **Admit.** Mr. Pritesh K. Bohade, learned counsel waives service on behalf of Respondent Nos.1, 2 and 3. Issue notice to Respondent No.4, returnable on **13/08/2021**. Private service is permitted.

**(SMT. ANUJA PRABHUDESSAI, J.)**