

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2673 OF 2021  
WITH  
INTERIM APPLICATION NO.3837 OF 2020  
IN  
FIRST APPEAL NO.31 OF 2021

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Jaswant Singh Chattar Singh and Anr.

...Applicants

vs.

Oriental Insurance Co. Ltd. and Anr.

...Respondents

Mr. Amol Gatane i/b. Mrs. Swati Mehta, for the applicant in I.A.No.  
2673 of 2021.

Ms. S.S. Dwivedi, for the Appellant.

**CORAM : N. J. JAMADAR, J.**

**DATE : OCTOBER 05, 2021**

**P.C.:**

. Heard the learned counsel for the parties in interim application No. 2673 of 2021.

2. This application is preferred seeking permission to withdraw the amount of compensation deposited by the insurer in terms of the judgment and award dated 16<sup>th</sup> March, 2020 in MACP No. 357 of 2018 passed by the learned Member, MACT, Pune.

3. The learned counsel for the respondent No. 1-insurer resisted the prayer on the ground that the insurer has raised substantive grounds to challenge the legality and correctness of the impugned award.

4. The grounds raised by the appellant-insurer can be

legitimately considered at the final hearing and adjudication of the appeal. At this stage, the claim of the applicant that they are in need of the amount can hardly be contested. Hence, the application deserves to be partly allowed. Thus, the following order.

#### ORDER

- 1] The application stands partly allowed.
- 2] The applicants are entitled to withdraw 50% of the amount deposited by the insurer/appellant along with interest accrued thereon subject to furnishing an undertaking before the learned Member, MACT, Pune to bring back the amount in the event the appeal is allowed and it is held that the applicants-claimant are not entitled to the compensation.
- 3] Liberty to the applicants to file application for withdrawal of more amount, in the event of necessity.
- 4] The application stands disposed of.

**(N. J. JAMADAR, J.)**