

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO.25323 OF 2014
WITH
INTERIM APPLICATION NO.3640 OF 2021
WITH
CIVIL APPLICATION NO.1455 OF 2015
WITH
CIVIL APPLICATION NO.1454 OF 2015

The New India Assurance Co. Ltd. .. Appellant
Versus
Satish Gajanan Raje & Ors. .. Respondents
...

Mr.Devendranath Joshi for the Appellant.

Mr.T.J.Mendon for the Respondent Nos.1 and 2 and for the Applicants in IA/3640/21.

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CORAM: BHARATI DANGRE, J.
DATED : 01st DECEMBER, 2021

P.C:-

: INTERIM APPLICATION NO.3640 OF 2021 :

1. The present application is taken out by the applicants/claimants, who were held to be entitled for compensation of Rs.30,13,382/- alongwith interest at the rate of 7.5% p.a. in terms of the order passed by the MACT, Mumbai on 31/01/2014 in MACP No.3026 of 2003. The applicants are the parents, who lost their son, Sameet in an accident, which took place on 07/06/2003.

2. In furtherance of the order passed by this Court, granting stay to the effect and operation of the judgment, eight cheques have been deposited in the name of applicant No.1- Satish Raje and this amount is already paid to him on 11/09/2014. On 21/07/2014, four cheques of Rs.1,25,000/- each i.e. totaling to Rs.5,00,000/- have been deposited and the amount has been invested in the name of the applicants. Thereafter, on 06/11/2017, cheque of Rs.39,03,757/- is deposited.

3. On perusal of the application, seeking withdrawal of the amount, it is apparent that the claimants have pressed the urgency of the said amount and it is stated that they had spent approximately Rs.12 lakhs towards the hospital charges and some amount was permitted to be withdrawn. Staking their claim that they were dependent on their son and have lost a source of their livelihood and now they have to depend upon other members of the family and friends, they seek withdrawal of some amount which would offer solace to them and would compensate their day-to-day requirements.

Considering the application and the urgency expressed therein, I am inclined to grant application by permitting the applicant to withdraw an amount of Rs.20,00,000/-, which has been deposited with the A.O., MACT, Mumbai in form of cheque on 06/11/2017. The Tribunal shall allow the applicants to withdraw the amount of Rs.20,00,000/- on an undertaking being submitted that in the event the Appeal filed by the Insurance Company is allowed, they would remit back the amount alongwith the interest that would be charged.

4. The Interim Application No.3640 of 2021 stands disposed of in the aforesaid terms.

FIRST APPEAL (ST) NO.25323 OF 2014

5. The Appeal is filed in the year 2014 and since then it is pending for adjudication. Considering the age of the respondents in the Appeal, a request is made for hearing the Appeal finally. I have no hesitation in granting the request, subject to the stipulation that the Appellant shall prepare a private paper-book and tender in this Court within a period of six weeks from today. Upon such a paper-book being filed, liberty is granted to circulate the Appeal for fixing the date for final hearing.

(SMT. BHARATI DANGRE, J.)