

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3898 OF 2021
IN
FIRST APPEAL NO.526 OF 2021

Ritadevi Fulchand Vishwakarma and Others	...Applicants
<i>In the matter between</i>	
Reliance General Insurance Co. Ltd.	...Appellant
vs.	
Ritadevi Fulchand Vishwakarma and Others	...Respondents

Mr. T.J. Mendon, for the Applicants/Respondent in F.A.
Ms. Kalpana Trivedi, for the Appellant/Respondent in I.A.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 13, 2021

P.C.:

- . Heard the learned counsel for the parties.
2. The learned counsel for the respondents resisted the prayer for withdrawal on the ground that the driver of the offending vehicle was not holding a valid and effective driving license at the time of the accident.
3. The said contention can be appreciated at the final hearing of the appeal.
4. At this juncture, the applicants can be permitted to withdraw a portion of the amount of compensation along with interest accrued thereon, subject to an undertaking. Hence, the following order:

ORDER

- (i) The application stands allowed.
- (ii) The applicants are permitted to withdraw 50% of the amount of compensation along with interest accrued thereon, falling to their respective shares, in terms of the impugned award in Application No. 394 of 2015 dated 30th January, 2020 passed by learned Member, MACT, Mumbai upon furnishing an undertaking before the Tribunal to bring back the said amount along with interest at such rate as may be determined by this Court in the event the appeal is allowed and it is held that the applicants-claimants are not entitled to the compensation.
- (iii) Interim application stands disposed of.

(N. J. JAMADAR, J.)