

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2955 of 2020
IN
FIRST APPEAL NO. 609 OF 2021

ICICI Lombard GIC Limited ... Appellant
Versus
Changuna Ramdas Ranasingh and Ors. ... Respondents
WITH
INTERIM APPLICATION NO. 650 OF 2022
IN
FIRST APPEAL NO. 609 OF 2021

Changuna Ramdas Ranasingh and Ors. ... Applicants
IN THE MATTER BETWEEN
ICICI Lombard GIC Limited ... Appellant
Versus
Changuna Ramdas Ranasingh and Ors. ... Respondents

Ms. Varsha Chavan, for the Appellant.
Mr. Yogesh Pande, for the Respondents and Applicants in IA 650 of 2022.

CORAM : V. G. BISHT, J.
DATE : 15th FEBRUARY, 2022.

PC:

INTERIM APPLICATION NO. 2955 of 2020

Learned Counsel for the applicant/appellant makes a statement that entire amount along with interest has been deposited. Learned Counsel for respondents has no objection to stay the Appeal.

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Rekha Patil

2 In view of above, impugned judgment and order date 18th September, 2019 passed by learned Member, MACT, Pune in Motor Accident Claim Petition No. 701 of 2015 is stayed until the disposal of Appeal.

3 Interim Application stands disposed of accordingly.

INTERIM APPLICATION NO. 650 OF 2022

Not on board. Taken on board.

2 Learned Counsel for applicants states that respondent No.5 died during the pendency of the proceeding and therefore, he request that her name be deleted.

3 Learned Counsel for appellant is directed to delete the name of Respondent No. 5. Amendment be carried out accordingly.

4 The Applicants have moved the application for withdrawal of amount deposited by the original appellant pursuant to the judgment and order dated 18th September, 2019 passed by the learned Member, MACT, Pune in Motor Accident Claim Petition No. 701 of 2015.

5 Heard learned counsel for both the parties.

6 Learned Counsel for the respondents submits that respondent No. 5-Hirabae Dattatray Ranasing is dead and since the apportionment of the claim amount was made by learned Member, MACT, Pune in the

impugned judgment and order, in view of death of respondent No.5, a fresh apportionment will have to be made out.

7 In view of submissions made by learned counsel for the applicants, applicants are allowed to withdraw 50% of the compensation amount. However, the learned Member MACT is directed to make a fresh apportionment of the amount of award in view of the death of respondent No.5. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.

8 The statutory amount of Rs.25,000/- deposited in this Court at the time of filing of Appeal shall be transferred to the Motor Accident Claims Tribunal, Mumbai. Rest of the amount to be deposited in the nationalized bank.

9 Interim Application is allowed and accordingly disposed of.

(V. G. BISHT, J.)