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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO.32608 OF 2017
WITH
CIVIL APPLICATION NO.751 OF 2018
WITH
CIVIL APPLICATION NO.750 OF 2018

Reliance General Insurance
Company Limited through it's
Manager Legal Mr.Khanjan Joshi .. Appellant

Versus

Babu (Baburao) Maruti Yede & Ors. .. Respondents

WITH
INTERIM APPLICATION NO.1414 OF 2022
IN
FIRST APPEAL (ST) NO.32608 OF 2017

Babu (Baburao) Maruti Yede & Anr. .. Applicants

Versus

Reliance General Insurance
Company Limited through it's
Manager Legal Mr.Khanjan Joshi .. Respondents

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Ms.Poonam Mittal i/b Mr.Rahul Mehta for the Appellant.

Mr.Ramdas A. Shelke for the Respondents in the Appeal and
for the Applicants in IA/1414/22.

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CORAM: BHARATI DANGRE, J.
DATED : 15th MARCH, 2022

P.C:-

1. By the Interim Application No.1414 of 2022, the applicant Nos.1 and 2 seek withdrawal of the amount of compensation deposited before the Tribunal, pursuant to the directions issued by this Court.

2. The Insurance Company has raised a challenge to the Judgment and Award passed by MACT, Baramati in favour of the claimants, directing to pay compensation of Rs.7,47,000/- alongwith interest at the rate of 9% per annum, from the date of filing of the petition till realization of the amount.

The impugned judgment came to be stayed, subject to deposit of the aforesaid amount.

3. The Insurance Company has deposited an amount of Rs.12,16,869/- and an amount of Rs.1,21,830/- on 27/02/2018.

4. Perusal of the application would reveal that the claim for withdrawal of amount is projected in view of the old age of applicant No.1 and on the ground that he is suffering from various ailments. It is also further projected that applicant No.2 is required to work on daily wages in the field of other agriculturists. In short, the financial position of the applicants is projected to be in a very bad state and on account of Covid, it is pleaded that it has aggravated.

On consideration of the application and on perusal of the reasons put forth, I deem it fit to allow the application partly, by permitting the applicants to withdraw 50% of the amount that has been deposited before the MACT, Baramati. The Tribunal shall permit withdrawal of 50% amount of the compensation, deposited by the Insurance Company, subject to an undertaking being given by applicant Nos.1 and 2 that, if the Insurance Company succeeds in the appeal, they shall bring back the amount to the Court alongwith interest that may be levied.

5. Interim application stands disposed off in the above terms.

FIRST APPEAL (ST) NO.32608 OF 2017

6. Since the appeal filed by the Insurance Company involve a short point, learned counsel for the appellant states that the appeal shall be listed for final hearing. The request is reasonable and can be considered, subject to the appellant filing the compilation of documents/private paper-book within a period of four weeks from today.

7. Re-notify for 18/04/2022.

(SMT. BHARATI DANGRE, J.)