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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.682 OF 2022

**WITH
INTERIM APPLICATION NO.1336 OF 2020
(NOT ON BOARD)**

Reliance General Insurance Co. Ltd. ...Appellant
vs.
Sulochana Rajendra Kale And Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.4039 OF 2021**

Sulochana Rajendra Kale And Ors. ...Applicants

In the matter between

Reliance General Insurance Co. Ltd. ...Appellant
vs.
Sulochana Rajendra Kale And Ors. ...Respondents

....

Mr. Sanjay H. Gangal, for the Applicants in IA 4039/21 and for the Respondents in FA 682/22.

Mr. Pandit Kasar, for the Respondent in IA 4039/21 and for the Appellant in FA 682/22.

....

CORAM : S.M. MODAK, J.

DATE : 23 AUGUST 2022

P.C. :**First Appeal No.682 of 2022**

Heard learned Advocate for the Appellant Insurance Company.

2. The appeal is filed on the background that the insurance policy was fake and fabricated. There is appearance on behalf of Respondent Nos. 1 to 3/original claimants. It is submitted that Respondent Nos. 4 and 6 have not contested the proceedings before the tribunal. Admit the appeal.

3. Respondent Nos. 1 and 3 waive the notice. Call record and proceedings. Paper-book be filed within one year.

Interim Application No. 1336 of 2020

Heard learned Advocate for the Applicants and learned Advocate for the claimants/Respondent Nos. 1 to 3.

2. The amount awarded by the Tribunal is deposited before the Tribunal. It includes Rs.12,07,565/- towards the principal and Rs.82,865/- towards the interest. Copy of pursis filed by the Appellant Insurance Company before the Tribunal is filed on record marked as Annexure "X".

3. In view of the above, stay granted earlier is continued till disposal of final appeal in terms of prayer clause (a).

4. The application is disposed of.

Interim Application No.4039 of 2021

Heard.

2. The claimants are asking for withdrawal of the deposited amount. They are the wife and children of the deceased.

3. For the reasons stated in the application para no.3(f) and (g), they are allowed to withdraw 50% of the amount deposited before the Tribunal at Baramati on giving an undertaking that they will refund the amount, if the decision will go against them.

4. The application is disposed of.

(S.M. MODAK, J.)