

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.525 OF 2021
WITH
INTERIM APPLICATION NO.3549 OF 2021
WITH
INTERIM APPLICATION NO.1156 OF 2020**

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The New India Assurance Co. ...Appellant
Ltd.
THR. Its Branch Manager
Versus
Smt. Vandana A. Dhanawade
and Ors. ...Respondents

.....
Mr. Rajesh Kanojia i/by Res Juris for the Appellant.
Mr. Bhavesh Magam with Mr. Vikrant A. Desai i/by Kedar P. Lad
for Respondent Nos.1 to 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 24th JUNE, 2022.

P.C.:-

INTERIM APPLICATION NO. 1156 OF 2020

1. The learned counsel for the applicant states that the entire amount of compensation along with interest as per the judgment has been deposited before the Claims Tribunal, Kolhapur. In the light of the said statement, execution and implementation of the judgment and award is stayed pending hearing of the appeal.

2. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

**INTERIM APPLICATION NO.3549 OF 2021
(WITHDRAWAL OF AMOUNT)**

1. By this application, applicants, who are the original claimants, have sought withdrawal of the compensation deposited by the appellant-Insurance Company.
2. In view of the reasons stated in the application and the grounds raised in the appeal memo, applicants are permitted to withdraw 50% of the compensation subject to Undertaking that they shall refund the amount with interest in the event, appellant succeeds in the appeal.
3. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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Heard.

2 **Admit.**

3. Call records and proceedings.

4. Mr. Bhavesh Magam waives notice on behalf of
respondent nos.1 to 3.

5. The learned counsel for the appellant states that no
statutory defence has been raised. Hence, notice to
respondent nos.4 and 5 is dispensed with.

6. Paper-book to be filed within six months.

(SMT. ANUJA PRABHUDESSAI, J.)