

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.148 OF 2020
IN
FIRST APPEAL (ST.) NO.36424 OF 2018
ALONG WITH
CIVIL APPLICATION NO.353 OF 2019

Mehandi Hasan Abdul Gafar Shaikh]
& Ors.] ... Applicants

Vs.

The New India Assurance Co. Ltd. &]
Anr.] ... Respondents

...

Mr. Shivkumar R. Gupta for the applicants in Civil Application
No.148 of 2020.

Ms. Pooja Yadav i/b Mr. D.R. Mahadik for the appellant.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 30TH MARCH, 2022.

P.C. :-

CIVIL APPLICATION NO.353 OF 2019

1. On 30/01/2019, notice was issued on the application for
condonation of delay of 85 days in instituting the first appeal.

2. The respondents/claimants on being served, are represented by Mr. Gupta. He states that he has no objection if the delay is condoned. Hence, civil application is allowed.

3. The first appeal is directed to be registered.

CIVIL APPLICATION NO.148 OF 2020

4. By the present application, the applicants, who are the claimants before the Tribunal and who were awarded compensation under the impugned judgment, seek withdrawal of the amount deposited.

5. Heard the learned counsel for the applicant and the learned counsel for the Insurance Company.

6. Perusal of the application, it can be seen that the applicants are in dire need of financial assistance particularly, when applicant Nos.3, 4 and 5 are prosecuting their education.

7. In view of the above, I deem it expedient to grant withdrawal of 50% of the amount, out of the amount that is deposited by the Insurance Company, being an amount of Rs.8,06,526/-. However, the withdrawal of the amount is subject to the undertaking being submitted by applicant Nos.1 and 2

before the Tribunal to the effect that in case the Insurance Company succeeds in the appeal, they shall bring back the said amount along with interest.

8. Civil application is disposed off.

[SMT. BHARATI DANGRE, J.]