

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18928 OF 2022

IN

FIRST APPEAL (STAMP) NO.14852 OF 2022

Saroj Kumari Kamaljeet And Ors.

...Applicants

In the matter between

ICICI Lombard General Insurance Company Limited ...Appellant

vs.

Saroj Kumari Kamaljeet And Ors.

...Respondents

....

Ms. Varsha Chavan, for the Appellant.

Mr. T.J. Mendon, for the Applicants/Respondents.

....

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 13 OCTOBER 2022

P.C.:

By this application, the Applicants have sought withdrawal of compensation deposited by the Appellant Insurance Company pursuant to the judgment and order dated 4 December 2021 passed in ECA Application No.22/B-3/2016.

2. Learned Counsel for the Appellant Insurance Company objects to the withdrawal of the amount on the ground that the death of the deceased was due to “liver cirrhosis and pulmonary edema” and that the death was not caused out of accident in course of employment.

3. Learned Counsel for Respondent Nos. 1 and 2 states that the appeal itself is not maintainable, since it does not raise any substantial question of law.

4. Learned Counsel for the respective parties agree that considering the grounds raised in the appeal memo and the objections raised by the Respondents, the appeal can be heard finally at the stage of admission and the questions raised by the respective parties should be considered on merits.

5. Hence, at this stage, I am not inclined to allow the application. Interim Application No.18928 of 2022 is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)