

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1688.2023

IN

FIRST APPEAL NO.164 OF 2023

Umakant Ramchandra

Kadrekar And Anr.

...Applicants

V/s.

Reliance General Insurance

Company Ltd., Mumbai

...Respondent

WITH

INTERIM APPLICATION NO.19200 OF 2022

IN

FIRST APPEAL NO.164 OF 2023

Reliance General Insurance

Company Ltd., Mumbai

...Applicant

V/s.

Umakant Ramchandra

Kadrekar And Anr.

...Respondents

Ms. Varsha Chavan for the Applicant.

Ms. Sayali Thakur i/b. Ms. Shalini Shankar for the Respondents.

CORAM : RAJESH S. PATIL, J.

DATED : 25th SEPTEMBER, 2023

P.C.:

INTERIM APPLICATION NO.1688.2023

1. This Interim Application is filed by the original claimant for withdrawal of the amount deposited by the Appellant/ Insurance Company before the concerned MACT.

2. Heard both the sides, no reply is filed by the Insurance Company opposing this Application.

3. The Applicant submits that due to the unfortunate accident, they have suffered financially and mentally. The Applicant submitted that they have no sufficient source of income, therefore, the present Application has been filed.

4. I have heard both the sides and I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if the Applicant Nos. 1 and 2 are permitted to withdraw 50% with accrued interest of the 'Award' amount deposited by the Insurance Company as per the ratio mentioned in the impugned Judgment and Award.

6. The 50% with accrued interest of the deposited amount awarded to the Applicant Nos. 1 and 2 is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal. The Registry to see that the money is transferred in the account of the Applicant Nos. 1 and 2.

7. Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

8. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.

9. The interim application is accordingly disposed of.

INTERIM APPLICATION NO.19200 OF 2022

1. This Interim Application is filed seeking stay to the execution and implementation of the impugned Judgment and Award passed by the concerned MACT.
2. By an order dated 17 October, 2022 interim relief was granted to the Applicant. Pursuant to which the Applicant has deposited entire 'Award' amount in the concerned MACT with accrued interest.
3. Interim application is accordingly disposed of.

FIRST APPEAL NO.164 OF 2023

1. Admit.
2. Call for records and proceedings.
3. The learned counsel for the parties state that a short issue is involved in this matter, and the matter can be disposed at an early date. The parties agree to file a compilation of document, short synopsis along with their preposition of law and authorities relied upon by them within four weeks from today.
4. The matter to come up for final hearing on 6th November, 2023.

(RAJESH S. PATIL, J.)