IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4203 OF 2023
IN
FIRST APPEAL NO.537 OF 2023
WITH
INTERIM APPLICATION NO.13074 OF 2023
IN
FIRST APPEAL NO.537 OF 2023

Ujwala Jitesh Koli
In the matter between
Divisional Manager, Reliance General
Insurance Co. Ltd. … Applicant/Appellant

V/s.

Mrs. Ujwala Jitesh Koli And Anr. … Respondents

Mr. Akshay Kulkarni, Advocate for the Applicant/Appellant.
Mr. Nikil Mehta i/b Ms. Subra Karmakar, Advocate for the Respondents.

CORAM : RAJESH S. PATIL, J.

DATED : 9 OCTOBER, 2023

P.C.:

INTERIM APPLICATION NO.4203 OF 2023

1. This Interim Application is filed seeking stay to the execution and implementation of the impugned judgment and award dated 25 January, 2023. By an order dated 27 July, 2023, this Court directed the applicant to deposit the decreetal amount'.

This order is corrected as per speaking to the minutes order dated 19 October, 2023.

2. The Applicant have deposited the decreetal amount. The Interim stay granted by this Court by Order dated 27 April, 2023 is extended till disposal of the First Appeal.

3. Interim Application is accordingly disposed of.

INTERIM APPLICATION NO.13074 OF 2023

1. This Interim Application is filed for withdrawal of decreetal amount.

2. The Applicant is Original / Respondent No.1 in the First Appeal.

3. The Applicant has claimed that though her disability is assessed to the extent of 90%, however the Court has considered her disability to the extent of only 60%. The Applicant was working as a Auto Cad drafts person in M/s Gay Consulting Engineers and was earning a some of Rs.13,000/- per month. Due to unfortunate accident, she is unable to continue in doing office work and had to leave the employment and is at present jobless. If the deposited decreetal amount is allowed to be withdrawn, that will help her to survive, as her family conditions are of a poor background.

4. I have heard both sides and I have gone through the contents of the Interim Application. I am satisfied that the Applicant should be allowed to withdraw partial money deposited by the Insurance Company.

5. According to me, in the interest of justice, it would be appropriate if the Applicant is permitted to withdraw 60% of the

'Award' amount deposited by the Insurance Company along with accrued interest as per the ratio mentioned in the impugned Judgment and Award 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.

6. 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.

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

8. Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)

This order is corrected as per speaking to the minutes order dated 19 October, 2023.