



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

**INTERIM APPLICATION NO.17750 OF 2022
WITH
INTERIM APPLICATION NO.17751 OF 2022
IN
FIRST APPEAL (STAMP) NO.13499 OF 2022**

Reliance General Insurance Company
Ltd. ...Applicant

Versus

Bapu Jagannath Sakat and Ors. ...Respondents

**INTERIM APPLICATION NO.14983 OF 2023
IN
FIRST APPEAL (STAMP) NO.13499 OF 2022**

Bapu Jagannath Sakat and Ors. ...Applicants

Versus

Reliance General Insurance
Company Ltd. ...Respondent

...

Ms Shalini Shankar with Ms Sayali Thakur for the Appellant-Insurance
Company.
Ms Manisha Deokar for the Claimants.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 6th SEPTEMBER, 2023.

P. C. :-

INTERIM APPLICATION NO.17751 OF 2022:-

1. Learned counsel for the Applicant-Insurance Company
states that the entire amount of compensation as per the impugned

Judgment and Award dated 21/12/2021 passed by the Member, M.A.C.T., Malshiras, in MACP No.30 of 2012 has been deposited before the Claims Tribunal, Malshiras.

2. In the light of the said statement, execution and implementation of the impugned Judgment and Award is stayed pending hearing of the appeal.

3. The application stands disposed of.

INTERIM APPLICATION NO.17750 OF 2022:-

4. Ms Manisha Deokar, learned counsel waives service of notice on behalf of Respondent Nos. 1 to 3-original claimants. Learned counsel for the Applicant -Insurance Company states that the challenge is only to the quantum of compensation. Hence, notice to Respondent Nos.4 and 5 is dispensed with.

5. By this application the Applicant seeks to condone the delay of two days in filing the appeal under Section 173 of the Motor Vehicles Act, 1988. Not objected by learned counsel for the Respondent Nos.1 to 3.

6. In the light of the said statement and in view of the reasons stated in the application, the delay is condoned. The appeal is ordered to be registered.

7. The application stands disposed of.

INTERIM APPLICATION NO.14983 OF 2023:-

8. The Applicants, who are the original claimants have sought withdrawal of the compensation awarded by the Claims Tribunal, Malshiras in Claim Petition No.30 of 2012.

9. Having considered the reasons stated in the application as well as the grounds raised in the appeal memo, Applicant Nos.1 and 2, who are the parents of the deceased are permitted to withdraw 20% of the compensation and the Applicant No.3 being the widow is permitted to withdraw 30% of the compensation with proportionate interest accrued thereon subject to filing of an undertaking before the Claims Tribunal, Malshiras that the amount will be refunded in the event the Appellant succeeds in the appeal. The balance amount shall be reinvested in any Nationalised Bank until further orders.

10. The application stands disposed of.

FIRST APPEAL (STAMP) NO.13499 OF 2022:-

11. Ms Manisha Devkar, learned counsel waives service on behalf of Respondent Nos.1 to 3. Notice to Respondent Nos.4 and 5 is dispensed with. Leave is granted to the Appellant to file compilation of documents on or before the next date of hearing.

12. Considering the narrow controversy involved in the matter, parties are put to notice that an endeavour will be made to decide the appeal finally at the stage of admission.

13. Stand over to **25/09/2023**.

(SMT. ANUJA PRABHUDESSAI, J.)