



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12624 OF 2023
IN
FIRST APPEAL NO. 98 OF 2023

Babita @ Babitakumari Arun Sharma
and ors.

.... Applicants

In the matter between :-

Reliance General Insurance Co. Ltd.,
Mumbai
v/s.

.... Appellant

Babita @ Babitakumari Arun Sharma
and ors.

.... Respondents

WITH
INTERIM APPLICATION NO. 906 OF 2023
IN
FIRST APPEAL NO. 98 OF 2023

Reliance General Insurance Co. Ltd.,
Mumbai
v/s.

.... Appellant

Babita @ Babitakumari Arun Sharma
and ors.

.... Respondents

Ms. Shalini Shankar with Ms. Sayli Thakur for the Appellant – IC.
Mr. T.J. Mendon for the Respondents-Claimants.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th AUGUST, 2023

P. C. :-

INTERIM APPLICATION NO. 906 OF 2023 :-

. Not on board. Upon being mentioned, taken on board.

2. Learned counsel for the Applicant states that the entire amount of compensation as per the impugned judgment and award has been

deposited before the Claims Tribunal.

3. In the light of said statement, execution and implementation of the impugned judgment and award dated 24/08/2022 in Application No.587 of 2014 is stayed pending hearing of the Appeal.

4. Interim Application stands disposed of.

INTERIM APPLICATION NO. 12624 OF 2023 :-

5. The Applicants, who are the original claimants, have filed this application for withdrawal of the compensation deposited by the Appellant – Insurance Company pursuant to the judgment and award dated 24/08/2022 in Application No.587 of 2014. By the impugned judgment and award, the Claims Tribunal has awarded total compensation of Rs.66,15,070/- along with interest accrued thereon.

6. In view of the reasons stated in the Application, Rs.15,00,000/- is ordered to be paid to the Applicant No.1-Babita @ Babitakumari Arun Sharma, the widow of the deceased and Rs.10,00,000/- is ordered to be paid to the Applicant No.3 – Ashok Anupal Sharma, the father of the deceased along with proportionate interest accrued thereon. Applicant No.2 is the minor daughter and the Applicant No.5 is the brother of the deceased. Hence, I am not inclined to allow withdrawal on their behalf at

this stage. Suffice it to say that withdrawal of compensation is subject to the final outcome of the Appeal. The Applicants shall give an undertaking before the Claims Tribunal, Mumbai that they shall refund the compensation along with interest in the event the Appellant – Insurance Company succeeds in the Appeal. The balance amount of compensation be re-invested in the fixed deposit in any nationalized bank until further orders.

7. Interim Application stands disposed of.

FIRST APPEAL NO. 98 OF 2023 :-

8. Mr. Mendon, learned counsel waives service on behalf of the Respondent Nos.1, 2, 3 and 5. Learned counsel for the Appellant – Insurance Company states that challenge is only to the quantum of compensation and findings recorded on the issue of negligence. Since no statutory defence is raised, notice to Respondent No.6 is dispensed with. Leave granted to the Appellant to file compilation of documents. Parties are put to notice that an endeavour will be made to decide the Petition finally.

9. Stand over to 11/09/2023.

(SMT. ANUJA PRABHUDESSAI, J.)