



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

**INTERIM APPLICATION NO.1191 OF 2023
WITH
INTERIM APPLICATION NO.1190 OF 2023
IN
FIRST APPEAL (STAMP) NO.28573 OF 2022**

S.B.I. General Insurance Company
Ltd.

...Applicant

Versus

Salama Shahansha Pathan and Ors.

...Respondents

**INTERIM APPLICATION NO.14978 OF 2023
IN
FIRST APPEAL (STAMP) NO.28573 OF 2022**

Salama Shahansha Pathan and Ors.

...Applicants

Versus

S.B.I. General Insurance Company
Ltd. and Anr.

...Respondents

...

Ms Shalini Shankar with Ms Sayali Thakur for the Appellant-Insurance
Company.
Ms Rina Kundu for the Claimants.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 6th SEPTEMBER, 2023.

P. C. :-

INTERIM APPLICATION NO.1191 OF 2023:-

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

Award dated 17/6/2022 passed by the Member, M.A.C.T., Thane, in MACP No.158 of 2017 has been deposited before the Claims Tribunal, Thane.

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.14978 OF 2023:-

4. By this application, the Applicants, who are widow, child and parents of the deceased respectively, have sought withdrawal of the compensation deposited by the Appellant-Insurance Company.

5. Having considered the reasons stated in the application and the grounds raised in the appeal memo, the Applicant No.1 being widow is permitted to withdraw 30% of the compensation. The Applicant Nos.3 and 4 being the parents of the deceased are permitted to withdraw 15% of the compensation alongwith proportionate interest accrued thereon. The Applicant No.2 is a minor. Hence, I am not inclined to allow any withdrawal on his behalf at this stage. The

15% of the compensation with proportionate interest be invested in the name of Applicant No.2 in any Nationalised Bank for a period of 6 years or until he attains the age of majority, whichever is later. Suffice it to say that the withdrawal of the amount is subject to filing of an undertaking before the Claims Tribunal that the amount will be refunded in the event the Appellant succeeds in the appeal.

6. The application stands disposed of.

INTERIM APPLICATION NO.1190 OF 2023:-

7. Ms Kundu, learned counsel waives service of notice on behalf of Respondent Nos.1 to 4. Issue notice to Respondent No.5, returnable on **03/10/2023**. Private service is permitted.

(SMT. ANUJA PRABHUDESSAI, J.)