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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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VASANT
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INTERIM APPLICATION NO.13672 OF 2023
IN
FIRST APPEAL (STAMP) NO.28532 OF 2022

Smt.Jayashree S. Rathod & Ors. ...Applicants

IN THE MATTER BETWEEN :

National Insurance Co. Ltd. ...Appellant

V/s.

Smt.Jayashree S. Rathod & Ors. ...Respondents

Mr.PA. Narayanan for the Appellant.

Mr.Bhooshan Mandlik for the Respondents in FA and for the Applicants in IA.

CORAM : RAJESH S. PATIL, J.
DATE : 30TH OCTOBER, 2023.

P.C. :-

1. This Interim Application is filed for withdrawal of the amount deposited by the Insurance Company.
2. It is the case of the Applicants that Applicant No.1 is the widow of the deceased, Applicant Nos.2 and 3 are minor children and Applicant No.4 is the mother of the deceased. It is the case of the Applicants that they were dependent on the deceased. Applicant No.4 is the mother of the deceased, who is suffering from various

ailments. Applicant No.4 is in need of money to meet her medical expenses. The Applicants are in tremendous stress and financial difficulties to meet their expenses. The Applicants are dependent for financial need from the relatives and friends. Therefore, the present Interim Application.

3. 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 to 4 are permitted to withdraw 50% of the 'Award' amount deposited by the Insurance Company along with accrued interest, as per the ratio mentioned in the impugned Judgment and Award passed by MACT, Ichalkaranji, Kolhapur in MACP No.31 of 2018 dated 1 April 2022.

4. The 50% of the 'Award' amount awarded to the Applicant Nos.1 to 4, as per the ratio mentioned in impugned award dated 1 April 2022, is allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return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.

5. The Registry to see that the money is transferred to the account of the Applicant.

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. The interim application is accordingly disposed of.

WITH
INTERIM APPLICATION NO.20410 OF 2022
IN
FIRST APPEAL (STAMP) NO.28532 OF 2022

National Insurance Co. Ltd.

...Appellant

V/s.

Smt.Jayashree S. Rathod & Ors.

...Respondents

1. Not on board. Taken on board by consent of the parties.

2. This Interim Application is filed for condoning the delay of 11 days in filing the First Appeal.

3. Advocate for the Original Applicant has not filed any reply to the Interim Application.

4. Heard. I have gone through the contents of the Interim Application. Case is made out to allow this Interim Application.

5. The Interim Application is allowed in terms of prayer clause

(a).

6. The Interim Application is accordingly disposed of.

WITH
INTERIM APPLICATION NO.20411 OF 2022

IN
FIRST APPEAL (STAMP) NO.28532 OF 2022

National Insurance Co. Ltd.	...Appellant
V/s.	
Smt.Jayashree S. Rathod & Ors.	...Respondents

1. Not on board. Taken on board by consent of the parties.
2. This Interim Application is filed for seeking stay to the impugned award dated 1 April 2022.
3. By an order dated 5 December 2022, interim stay was granted to the impugned award dated 1 April 2022. Both the counsel state that the entire amount has been deposited as per the directions of this Court. Interim stay granted by this Court on 5 December 2022 is extended till the disposal of the First Appeal.
4. The Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)