IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15773 OF 2023
IN
FIRST APPEAL(ST) NO.17940 OF 2022

Abhishek Uday Kambli Thr. Its Next
Friend Miss. Pooja U. Kambli And Anr. ...Applicants

Versus

Reliance General Insurance Co. Ltd. Mumbai ...Respondent

WITH
INTERIM APPLICATION NO.18847 OF 2022
WITH
INTERIM APPLICATION NO.15772 OF 2023

Reliance General Insurance Co. Ltd. Mumbai ...Respondent

Versus

Abhishek Uday Kambli Thr. Its Next
Friend Miss. Pooja U. Kambli And Anr. ...Applicants

Mr. Abhishek Ingale a/w Mr. Tejas Ingale for the Applicant in IA No.15773 and for Respondent In First Appeal.
Ms. Sayli Thakur h/f Ms. Shalini Shankar for Appellant and for Applicant in IA No.18847 of 2022 and IA No.15772 of 2023

CORAM : RAJESH S. PATIL, J.

DATED : 12th OCTOBER, 2023.

P.C.:

INTERIM APPLICATION NO.15773 OF 2023

1. This Interim Application is filed for withdrawal of the amount deposited before the MACT, Mumbai.

2. It is the Applicant's case that the Applicant (Abhishek

Uday Kambli) has suffered permanent physical disability to the extent of 100% functional disability and physical disability to the extent of 72%. The Applicant (Abhishek Uday Kambli) cannot do any work and has lost his sense below waist and is bedridden paraplegic. The Applicant therefore, needs financial assistance to survive and to also incurred his medical expenses.

3. I have heard both sides and I have gone through the contents of the Interim Application. I am satisfied a case is made out a to allow partial withdrawn of the deposit made before the MACT, Mumbai.

4. According to me, in the interest of justice, it would be appropriate if the Applicant (Abhishek Uday Kambli) 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.

5. 60% of the 'Award' amount awarded to the Applicant (Abhishek Uday Kambli) is allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return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.

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 off.

INTERIM APPLICATION NO.15772 OF 2023

1. This Interim Application is filed for condoning the delay of 23 days in filing the First Appeal.

2. The Advocate for the claimant states that he has no objection in condoning the delay.

3. I have heard both sides and I have gone through the contents of the application. I am satisfied that the case is made out to condone the delay. Hence, Interim Application is allowed in terms of prayer clause (a).

4. The Interim Application is accordingly disposed off.

INTERIM APPLICATION NO.18847 OF 2022

1. This Interim Application is filed for seeking stay to the execution and implementation of the impugned Judgment and Award dated 14th February, 2022 passed by the MACT, Mumbai.

2. This Court by Order dated 4th October, 2022 had directed to Applicant to deposit the 'Award' amount.

3. Advocate for the Applicant states that the Applicant has complied Order dated 4th October, 2022.

4. The stay granted by this Court is further extended in final disposal of the First Appeal.

5. Interim Application is accordingly disposed off.

(RAJESH S. PATIL, J.)

Sunny Thote