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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14930 OF2023
IN
FIRST APPEAL (STAMP) NO.20055 OF 2023

Reliance General Insurance Co. Ltd. ...Applicant
V/s.
Priyanka I. Sakpal & Anr. ...Respondents

Mr.Akshay Kulkarni for the Applicant.

Mr.Sainand Chaugule for the Respondents in FA(St.) No.20055 of 2023.

CORAM : RAJESH S. PATIL, J.
DATE : 14TH SEPTEMBER, 2023.

P.C. :-

1. This Interim Application is filed for condonation of delay in filing the First Appeal. There is delay of 77 days.

2. Advocate appearing for the contesting Respondent No.1 / Claimant, has not filed any reply to the Interim Application. I have heard the advocate for both the sides. I have gone through the contents of the Interim Application. I am satisfied that the case is made out for allowing the Interim Application. The Interim Application is made absolute in terms of prayer clause (b).

3. The Interim Application is accordingly disposed of.

INTERIM APPLICATION NO.14930 OF2023

1. This Interim Application is filed for seeking stay of the impugned judgment and Award dated 30 January 2023 passed in MACP No.1276 of 2016.

2. The Applicant is ready to deposit the Award amount before MACT, Mumbai.

3. The Applicant is directed to deposit the entire Award amount before MACT, Mumbai within six weeks from today.

4. Learned counsel for the original Claimant states that his client lost her left eye in the accident. She is 28 years of age and is unmarried female. She is working in the Company. Therefore this Court is inclined to allow her to withdraw at least some amount from the amount that will be deposited by the Insurance Company. Learned counsel for the Insurance Company states that he has no instructions to consent for allowing withdrawal of any amount that would be deposited by the Insurance Company.

5. I have heard both the sides and also I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if the original Claimant is permitted to withdraw 70% of the Award amount deposited by the Insurance Company.

6. 70% of the amount Awarded to the Original Claimant is

allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if he fails in this First Appeal, he will return the amount with interest, at such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.

7. 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.

8. All the parties to act on an authenticated copy of this order. Issuance of certified copy of the order is expedited.

9. The interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)