

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3199 OF 2023
IN
FIRST APPEAL (ST) NO.8825 OF 2023

The New India Assurance Co. Ltd., Pune ...Applicant

V/s.

Lilavati Dashrath Dham And Ors. ...Respondents

WITH

INTERIM APPLICATION NO.15623 OF 2023

Lilavati Dashrath Dham And Ors. ...Applicant

V/s.

The New India Assurance Co. Ltd., Pune ...Respondents

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Mr. Vaibhav Ugle a/w. Shubham Vasekar for the Applicant/Org.
Respondents.

Mr. Shubham Misar i/b. H. G. Misar for the Respondent/ Org.
Appellant/.

CORAM : RAJESH S. PATIL, J.

DATED : 25th SEPTEMBER, 2023

P.C.:

INTERIM APPLICATION NO.3199 OF 2023

1. This Application is filed for condoning the delay in filing the First Appeal.
2. The counsel for Respondent states that he has no objection in condoning the delay and the matter be taken up for hearing.

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

4. The Interim Application stands disposed of.

INTERIM APPLICATION NO.15623 OF 2023

1. This Interim Application is filed by the original claimant for withdrawal of the amount deposited by the Appellant/ Insurance Company before the concerned MACT.

2. Heard both the sides, no reply is filed by the Insurance Company opposing this Application.

3. The Applicant submits that due to the unfortunate accident, they have suffered financially and mentally. The Applicant submitted that they have no sufficient source of income, therefore, the present Application has been filed.

4. 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 and 2 are permitted to withdraw 50% of the 'Award' amount deposited by the Insurance Company as per the ratio mentioned in the impugned Judgment and Award.

5. The 50% of the 'Award' amount awarded to the Applicant Nos. 1 and 2 is allowed to be withdrawn upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at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. The Registry to see that the money is transferred in the bank of account of the Applicants.

7. Balance amount to be calculated after deducting the amount mentioned in Paragraph No. 4 of the impugned order and shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending on the pendency of this Court.

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

9. The interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)