

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

**FIRST APPEAL (ST) NO.6434 OF 2023
WITH
INTERIM APPLICATION NO.2469 OF 2023
IN
FIRST APPEAL (ST) NO.6434 OF 2023**

SHARADA
RANGNATH
WAHULE

Digitally signed by
SHARADA
RANGNATH WAHULE
Date: 2023.10.11
10:38:49 +0530

Reliance General Insurance Co. Ltd. ... Appellant

V/s.

Soheb Altaf Shaikh and Anr. ... Respondents

**WITH
INTERIM APPLICATION NO.15961 OF 2023
IN
FIRST APPEAL (ST) NO.6434 OF 2023**

Soheb Altaf Shaikh and Anr. ... Applicant

V/s.

Reliance General Insurance Co. Ltd. ... Respondents

**WITH
INTERIM APPLICATION NO.2470 OF 2023
IN
FIRST APPEAL (ST) NO.6434 OF 2023**

Reliance General Insurance Co. Ltd. ... Applicant

V/s.

Soheb Altaf Shaikh and Anr. ... Respondents

Ms. Shalini Shankar, Advocate for the Appellant.
Ms. Priyanka A. Babar i.b Mr. Tejpal S. Ingale, for the Applicant in
IA/15961/2023 and for the Respondent in First Appeal.

CORAM : RAJESH S. PATIL, J.

DATED : 9 OCTOBER, 2023

P.C.:

INTERIM APPLICATION NO.15961 OF 2023

1. Interim Application is filed seeking withdrawal of the decretal amount.
2. The Applicant has filed his Application, on the ground that the claimant was just seven years old at the time of the accident and due to the accident has suffered permanent physical disability to the extent of 38% and he is mobility has been restricted. The father of the victim has spend substantial amount for hospitalization and on medicines. It is further stated that the father had to borrow loans for medical expenses from relatives.
3. I have heard both the sides and I have gone through the contents of the Interim Application. I am satisfied that the Applicant should be allowed to withdraw partial money deposited by the Insurance Company.
4. According the Applicant is permitted to withdraw 75% of the 'Award' amount deposited by the Insurance Company along with accrued interest as per the ratio mentioned in the impugned Judgment and Award 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. 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.
6. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.
7. Interim Application is accordingly disposed of.

INTERIM APPLICATION NO.2469 OF 2023

1. This Interim Application is filed for condoning the delay of 49 days.
2. Advocate for the Original claimant has objected to this Application, however, she has not filed any affidavit to this Interim Application.
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).
5. The Interim Application stands disposed of.

INTERIM APPLICATION NO.2470 OF 2023

1. This Interim Application is filed seeking stay to the execution and implementation of the impugned Judgment and Award passed by the concerned MACT.
2. By order dated 20 March, 2023, this Court had granted stay, subject to deposit of entire 'Award' amount.
3. As the Applicant has already deposited the 'Award' amount

the stay granted earlier by this Court is extended till disposal of the First Appeal.

4. Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)