

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16044 OF 2023
IN
FIRST APPEAL NO.294 OF 2023

Shahabuddin Moiuddin Shaikh and
Ors. ... Applicants

V/s.

Reliance General Insurance Co. Ltd &
Anr. ... Respondents

WITH
INTERIM APPLICATION NO.2478 OF 2023
IN
FIRST APPEAL NO.294 OF 2023

Reliance General Insurance Co. Ltd &
Anr. ... Applicants

V/s.

Shahabuddin Moiuddin Shaikh and
Ors. ... Respondents

Ms. Shalini Shankar, Advocate for the Appellant.
Ms. Priyanka Babar i.b Mr. Tejpal S Ingale, Advocate for
Respondents & Applicant in IA/16044/2023.

CORAM : RAJESH S. PATIL, J.

DATED : 9 OCTOBER, 2023

P.C.:

INTERIM APPLICATION NO.2478 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 the disposal of the First Appeal.

4. Interim Application is accordingly disposed of.

INTERIM APPLICATION NO.16044 OF 2023

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

2. The Applicants are the legal heirs of the deceased Ruksana Shaikh, who unfortunately died in the accident. Due to the death of the deceased Applicant No.1, her husband is required to take help of a servant for household work and maintain the children.

3. Due to the death the Applicants family have suffered distress and agony. The Applicant No.1 because of his deafness, is unable to ply Rickshaw which he used to and thus is unable to earn for his livelihood.

4. So also monies are required for education of the Applicant Nos.2, 3 and 4. Since the Insurance Company has filed Appeal in this Court in the year 2023, it will take sometime to hear the matter and dispose it of.

5. Heard. I have gone through the contents of the Interim Application. According to me, case is made out for partial withdrawal of the “Award” amount.
6. Applicant No.1 and Applicant No.2 are allowed to withdraw 60% of the deposited amount by the Insurance Company along with accrued interest as per the ratio mentioned in the impugned Judgment and award dated 15 October, 2022 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.
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 this order is expedited.
9. Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)