

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15758 OF 2023
WITH
INTERIM APPLICATION NO. 15760 OF 2023
IN
FIRST APPEAL (ST) NO. 25967 OF 2023

Divisional Manager, ICICI
Lombard General Insurance Company,
Mumbai ...Applicant
Versus
Sangita Bhaskar Tople And Ors. ...Respondents

Ms. Varsha Chavan for the Applicant.
Mr. Sachin Gite for Respondent Nos. 1 to 5.

CORAM : RAJESH S. PATIL, J.

DATED : 5th OCTOBER, 2023

PC.:

INTERIM APPLICATION NO. 15758 OF 2023

1. This Interim Application is filed for condoning the delay of 44 days in filing the First Appeal. Learned Advocate Mr. Sachin Gite, appears for the Original claimant/Respondent Nos. 1 to 5. He has no objection in condoning the delay and the matter be taken up for early date of hearing.

2. I have heard both the 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.

3. Interim Application is allowed in terms of prayer clause (a).

4. Interim Application is accordingly disposed off.

INTERIM APPLICATION NO. 15760 OF 2023

1. Learned Advocate Mr. Gite waives service of notice for Respondent Nos. 1 to 5.

2. Issue notice to rest of the Respondent Nos. 6 and 7, returnable after six weeks.

3. Hamdast is permitted. Apart from the Court notice, the Applicant is permitted to serve by private notice and file affidavit of service before the next date of hearing.

4. In the meantime, the Applicant is permitted to deposit "Award" amount before the concerned MACT within a period of seeks weeks from today.

5. On the deposit of the amount by the insurance company, the Original Claimant Nos. 1 to 4 are allowed to withdraw 25% of the amount, as per the ratio as mentioned in the Impugned Judgment and Award dated 18th March, 2023 passed in M.A.C.P No.1021 of 2017.

6. Learned Advocate for the Applicant is permitted to file private paper book before the next date of hearing.
7. The parties are directed to file a compilation of the documents, short synopsis along with their proposition of law and authorities relied upon them within six weeks from today.
8. Stand over to 30th November, 2023.

(RAJESH S. PATIL, J.)