

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.641 OF 2023
WITH
INTERIM APPLICATION NO.12870 OF 2023

SHARADA
RANGNATH
WAHULE

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The New India Assurance Co Ltd ... Appellant

V/s.

Savita Dilip Nawale Anr Ors. ... Respondents

WITH
INTERIM APPLICATION NO.15945 OF 2023

Savita Dilip Nawale & Ors. ... Applicants

IN THE MATTER OF

The New India Assurance Co. Ltd. Appellant

V/s

Savita Dilip Nawale Anr Ors. ... Respondents

Ms. Deepika Prabhala i.by Res Juris, Advocate for the Appellant.
Mr. Yogesh Pande for Respondents for Applicant in
IA/15945/2023.

CORAM : RAJESH S. PATIL, J.

DATED : 30 OCTOBER 2023

P.C.:

INTERIM APPLICATION NO.12870 OF 2023

1. This Interim Application is filed seeking stay to the execution and implementation of the impugned Judgment and Award dated 11 October 2022. By an order dated 20 July, 2023, this court

granted stay to the impugned 'Award' subject to deposit of the award amount along with accrued interest.

2. Both the counsel states that the order has been complied with and the entire award amount along with accrued interest deposited with the concerned MACT.

3. In view of the same stay granted by this Court by order dated 20 July, 2023 is extended further till the disposal of the First Appeal.

4. Interim Application is accordingly disposed of.

INTERIM APPLICATION NO.15945 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. The Applicant No.1 is the widow of the deceased. The Applicant Nos.2 and 3 are the sons of the deceased, and Applicant No.4 is the mother of the deceased.

3. It is submitted by the Applicants that on the date of the accident, the deceased was sole bread earner of the family and deceased was self employed and earning around Rs.53,144/- per month. Due to sudden death of the deceased there is severe financial loss to the Applicants. The Applicants are in a need of monies for there are survival and maintenance.

4. I have heard both the sides and I have gone through the contents of the Interim Application, a case is made out to partially allow this Interim Application. The Applicants are permitted to

withdraw 50% 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.

7. The Interim Application is accordingly disposed of.

FIRST APPEAL NO.641 OF 2023

1. Both the counsel submitted that it is the short issue involved in the matter and the matter can be disposed of at the admission stage itself.

2. At the request of Respondent No.1, they have directed to file private compilation of document along with short synopsis and preposition of law.

3. Stand over to 7 November, 2023.

(RAJESH S. PATIL, J.)