

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT
ANANDRAO IDHOL
Date: 2023.11.06
11:24:18 +0530

INTERIM APPLICATION NO.2065 OF 2023
IN
FIRST APPEAL (STAMP) NO.28708 OF 2022

Reliance General Insurance Co. Ltd. ...Applicant
V/s.
Neeta D. Gole & Anr. ...Respondents

Ms.Kalpana R. Trivedi for the Applicant / Appellant.

Mr.T.J. Mendon for the Respondents and for the Applicant in IA
No.16980 of 2023.

CORAM : RAJESH S. PATIL, J.
DATE : 3RD NOVEMBER, 2023.

P.C. :-

1. This Application is filed for condoning the delay of two days 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 (b).

4. The Interim Application stands disposed of.

WITH
INTERIM APPLICATION NO.2066 OF 2023
IN
FIRST APPEAL (STAMP) NO.28708 OF 2022

Reliance General Insurance Co. Ltd.	...Applicant
V/s.	
Neeta D. Gole & Anr.	...Respondents

1. This Interim Application is filed seeking stay to the execution and implementation of the impugned Judgment and Award passed by the MACT, Alibaug.

2. Applicant to deposit the entire 'Award' amount with interest within eight weeks with the concerned MACT. On deposit of the said amount, there will be Stay to the execution of the impugned Judgment and Award till further orders.

3. Issue Notice to Respondents, returnable 5 January, 2024. Private Notice permitted, by all permissible modes of service. Affidavit of Service to be filed thereafter.

WITH
INTERIM APPLICATION NO.16980 OF 2023
IN
FIRST APPEAL (STAMP) NO.28708 OF 2022

Neeta D. Gole	...Applicant
V/s.	
Reliance General Insurance Co. Ltd. & Anr.	...Respondents

1. This Interim Application is filed by the Claimant, who was injured in the unfortunate accident.
2. It is the case of the Claimant that she was working as a teacher and was getting a salary of Rs.40,848/- per month. The Claimant further submitted that due to the unfortunate accident she had sustained very serious injuries to head which has caused brain damage and the same is resulted into permanent partial disability. Due to accident several surgical were undertaken. Hospitalization expenses incurred by her along with surgical expenses is around Rs.17,33,220/-. Therefore, she has prayed that she be allowed to withdraw the amount deposited by the Insurance Company before MACT, Alibaug.
3. I have heard both the sides and I have gone through the contents of the Interim Application. There is no reply filed opposing this Interim Application. I am convinced to the submissions made by the Claimant.
4. Rs.32,00,000/- is allowed to be withdrawn by the Claimant, upon furnishing an undertaking before the concerned MACT to the effect that if she fail in this First Appeal, she 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. The Registry to see that the money is transferred to the

account of the Applicant.

6. 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.

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

8. The interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)