

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1541 OF 2024

WITH

INTERIM APPLICATION NO. 12761 OF 2024

WITH

INTERIM APPLICATION NO. 16144 OF 2023

IN

FIRST APPEAL NO. 1541 OF 2024

Reliance General Insurance Co. Ltd. ...Appellant

Versus

Dropadi Maruti Vangule & Ors ...Respondents

WITH

INTERIM APPLICATION NO. 12030 OF 2024

IN

FIRST APPEAL NO. 1541 OF 2024

Dropadi Maruti Vangule & Anr ...Applicants

In The Matter Between

Reliance General Insurance Co. Ltd. ...Appellant

Versus

Dropadi Maruti Vangule & Ors ...Respondents

AND

FIRST APPEAL (ST) NO. 16315 OF 2023

WITH

INTERIM APPLICATION NO. 16147 OF 2023

WITH

Page 1 of 5

October 03, 2024

INTERIM APPLICATION NO. 16146 OF 2023

IN

FIRST APPEAL (ST) NO. 16315 OF 2023

Reliance General Insurance Co. Ltd., Mumbai ...Appellant

Versus

Dropadi Maruti Vangule & Anr ...Respondents

WITH

INTERIM APPLICATION NO. 12760 OF 2024

IN

FIRST APPEAL (ST) NO. 16315 OF 2023

Dropadi Maruti Vangule ...Applicant

In The Matter Between

Reliance General Insurance Co. Ltd. ...Appellant

Versus

Dropadi Maruti Vangule & Ors ...Respondents

Mr. Avesh Ghadge, i/b Akshay Kulkanri, for Applicant/Appellant in FAST/16315/2023.

Mr. Pramod Purav, i/b Niketan Nakhawa, for Respondent No.1 in FAST/16315/2023.

Mr. Niketan Nakhawa, a/w Pramod Purav, for Respondent in FA/1541/2024.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : OCTOBER 03, 2024

PC :

1. These are two First Appeals relating to the same accident and two victims – First Appeal No.1541 of 2024, and First Appeal (ST) No.16315 of 2023 – challenging the Impugned Judgement and Order dated February 20, 2020 passed by the Motor Accident Claims Tribunal, Mumbai (“**MACT**”).

2. Three Interim Applications have been filed in each of these First Appeals –

a) Interim Application No. 12761 of 2024 in First Appeal No. 1541 of 2024 by the Appellant for restoration of the Appeal as well as pending applications and condonation of delay in filing the application;

b) Interim Application No. 16146 of 2023 in First Appeal (ST) No. 16315 of 2023 by the Appellant for condonation of delay in filing the said Appeal;

c) Interim Application No. 16144 of 2023 in First Appeal No. 1541 of 2024 and Interim Application No. 16147 of 2023 in First Appeal (ST) No. 16315 of 2023 by the Appellant seeking a stay on execution of the Impugned Judgement and Order;

d) Interim Application No. 12030 of 2024 in First Appeal No. 1541 of 2024 and Interim Application No. 12760 of 2024 in First Appeal (ST) No. 16315 of 2023 by the Respondents seeking withdrawal of amounts deposited with the MACT.

3. The delay in preferring First Appeal (ST.) No. 16132 of 2023

has already been condoned *vide* an order dated September 6, 2024.

4. Learned Counsel for the parties confirm that the awarded amount along with interest, has indeed been deposited before the MACT. Having heard the parties, I am of the view that it would be appropriate to allow both the Interim Applications for condonation of delay as mentioned above; permit withdrawal of 50% of the amounts lying with the MACT (namely, the amount awarded along with accrued interest until the date of this order in each of the proceedings that led to these two Appeals); and consequently stay execution of the Impugned Judgement and Order.

5. The Respondents shall be entitled to approach the MACT for withdrawal in accordance with the rules, subject to the usual conditions that the MACT would impose for such withdrawal. In view of the full deposit already made, execution of the Impugned Judgement and Order is hereby stayed.

6. The parties have undertaken to jointly file a Compilation of Documents necessary for adjudication of the two Appeals, on or before the next date. The parties request that, time permitting, the Appeals be finally heard and disposed of at the stage of admission.

7. In the result, each of the captioned Interim Applications stand finally ***disposed of***. Let First Appeal No.1541 of 2024 come up along with First Appeal (ST) No.16315 of 2023 on ***November 14, 2024***.

8. All office objections shall be removed on or before the next date.

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]