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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.14560 OF 2024
WITH
INTERIM APPLICATION NO.14561 OF 2024
IN
FIRST APPEAL STAMP NO.29477 OF 2024
WITH
FIRST APPEAL STAMP NO.29477 OF 2024**

Reliance General Insurance Co. Ltd. ... Applicant
vs.
Divyesh Bhaskar Tamboli & Anr. ... Respondents

Mr. Avesh Ghadge i/b Akshay Kulkarni for the Applicant/Appellant.
Mr. T. J. Mendon for the Respondent No.1.

CORAM : SHYAM C. CHANDAK, J.

DATE : 11th MARCH 2025

P.C. :

INTERIM APPLICATION NO.14560 OF 2024

. Present Application seeking condonation of 21 days delay in
filing the aforesaid Appeal.

2) Learned Advocate for Respondent No.1 has no objection to
condone the said delay.

3) Despite notice, Respondent No.2 did not file his appearance.

4) In view thereof the delay in filing the Appeal is condoned.
Appeal be registered forthwith.

5) Interim Application is disposed of.

Interim Application No.14561 of 2024

. Learned Advocate for the Applicant stated that entire compensation amount along with accrued interest has been deposited as per the order dated 13th November 2024 passed by this Court.

2) In view thereof, Application stands allowed in terms of prayer clause (b).

3) Learned Advocate Mr.Mendon submitted that the Respondent No.1 has sustained 50% permanent partial disability on account of the accident and he has lost his income capacity on account of the said disability. Therefore, he requested to permit Respondent No.1 to withdraw 50% of the compensation amount.

4) Mr.Ghadge, the learned Advocate opposed the said request.

5) Considering the submissions made by Mr.Mendon, the Respondent No.1 is permitted to withdraw 50% of compensation amount with proportionate interest subject to furnishing an undertaking that in case the Appellant succeeds in this Appeal, the Respondent No.1-claimant would refund the said amount along with interest as would be directed by this Court. The Tribunal shall invest remaining amount with Nationalized bank giving highest from time to time.

FIRST APPEAL STAMP NO.29477 OF 2024

. As the Respondent No.2 is duly served in the Appeal, learned

Advocate for the Appellant and learned Advocate for Respondent No.1 prayed for final hearing of this Appeal. Further, they undertook to file compilation of documents as per record of the trial Court.

- 2) List the matter for final hearing on **21st April 2025**.
- 3) Respondent No.2 shall note the said date of final hearing and attend, accordingly.

[SHYAM C. CHANDAK, J.]