

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.10362 OF 2025

IN

FIRST APPEAL NO.1469 OF 2025

Smt. Mamta Lal Gurnani

.. Applicant
Org.Respondent No.1

In the matter between:-

The New India Assurance Co. Ltd.

.. Appellant

Versus

Smt. Mamta Lal Gurnani & Ors.

.. Respondents

Mr.R. N. Sukhija, Advocate for the Applicant/Original Respondent No.1.

Ms.Deepika Prabhala i/b Res Juris, Advocate for the Original Appellant.

**CORAM : B. P. COLABAWALLA &
AMIT S. JAMSANDEKAR, JJ.**

DATE : SEPTEMBER 19, 2025

P. C.

1. The above Interim Application is filed by the 1st Respondent praying for release of Rs.75,00,000/- out of the total amount deposited with the MACT, and which is now accumulated to Rs.1,04,33,609/-. Initially, when the First Appeal was filed and the stay was granted, the

UTKARSH
KAKASAHEB
BHALERAO

Digitally signed by
UTKARSH KAKASAHEB
BHALERAO
Date: 2025.09.20
11:29:50 +0530

Appellant-Insurance Company was directed to deposit the entire amount of compensation awarded by the MACT with proportionate costs and interest, as a condition to stay the execution and implementation of the impugned Award of the MACT. That order further directed that in the event the deposit is made by the Appellant, the MACT shall release the sum of Rs.25,00,000/- in favour of the wife of deceased-Claimant No.1 through an account payee cheque. The rest of the amount was to be deposited in a fixed deposit in a Nationalized Bank with accumulating interest thereon. This order obviously was passed at the time when the Respondent was not heard. Today, as mentioned earlier, the 1st Respondent (the wife of the deceased/Original Claimant No.1) seeks to withdraw a further sum of Rs.75,00,000/-.

2. We have heard the learned counsel for the parties and also perused the papers and proceedings in the above Interim Application. The accident in question took place as far back as in 2002. Initially, the MACT granted compensation to the claimants of Rs.45,25,000/- with interest @ 7.5% per annum from the date of filing of the Claim Petition (21st March 2003) till realization of the amount. As mentioned earlier, a sum of Rs.25,00,000/- has been permitted to be withdrawn pursuant to order dated 9th August 2019. The Original Claimant No.1 is now 74 years old.

3. Considering these facts and circumstances, we are of the view that the 1st Respondent/Original Claimant No.1 can be permitted to withdraw a further sum of Rs.50,00,000/- lying with the MACT, on the 1st Respondent/Original Claimant No.1 giving an undertaking to the MACT that in the event the above First Appeal succeeds, she shall bring back the aforesaid money, or any part thereof, together with interest at such rate as this Court may decide at the hearing and final disposal of the above Appeal. It is accordingly so ordered.

4. Considering that the 1st Respondent is 74 years old, the hearing of the above Appeal is expedited.

5. The Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

6. 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.

[AMIT S. JAMSANDEKAR, J.]

[B. P. COLABAWALLA, J.]