

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4028 OF 2014
IN
FIRST APPEAL NO.1361 OF 2014**

The New India Assurance Company ... Applicant

Versus

Mr. Rustam Sheriar Irani and Ors. ... Respondents

Mr. Shrikant M. Dange, for the Applicant.

Mr. Niketan Nakhawa i/by Mr. Avinash M. Gokhale, for the Respondent
Nos.1 and 2.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 4th AUGUST, 2015

PC.

. Heard the learned counsel appearing for the Applicant and the learned counsel appearing for the first and second Respondents. The entire compensation amount in terms of the impugned Award has been deposited by the Applicant – Insurance Company. The first Respondent (first Claimant) is the father of the deceased. The second Respondent (second Applicant) is the widow of the deceased who has remarried. Under the impugned Award, compensation of only Rs.1 lakh has been granted to the second Respondent together with interest at the rate of

7.5% p.a. The first Respondent has been granted compensation of Rs.14,85,000/- together with interest at the rate of 7.5% p.a.

2. The learned counsel appearing for the first and second Respondents submits that the first Respondent is a senior citizen and that he is surviving only on the amounts paid to him by his daughter.

3. The challenge in the Appeal is confined to quantum of compensation.

4. Considering the aforesaid facts, we dispose of the application by passing the following order :-

ORDER

- (i) Ad-interim relief granted on 21st January, 2015 shall continue to operate as interim relief subject to modification made by this order;
- (ii) The Tribunal will permit the second Respondent to withdraw the entire compensation amount payable to her under the impugned Award subject to final outcome of the Appeal;
- (iii) The Tribunal will permit the first Respondent to withdraw a sum of Rs.2,50,000/- subject to final outcome of the Appeal;

- (iv) Rest of the amount payable to the first Respondent shall be invested in Fixed Deposit with any Nationalised Bank till the disposal of Appeal. The first Respondent shall be entitled to withdraw quarterly interest accrued on the Fixed Deposit amount. Withdrawal of the interest will be subject to final outcome of the Appeal;
- (v) A sum of Rs.25,000/- deposited in this Court shall be transferred to the concerned Tribunal.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)