

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

FIRST APPEAL NO.99 OF 2016

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Shrikant M. Dange for the appellant

Mr.Yuvraj P. Narvankar for the respondent
nos.1 to 5

CORAM : K.K.TATED, J.
DATED : 04/02/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 This First Appeal is preferred by Insurance Company challenging the judgment and award dated 3.12.2013 passed by MACT, Satara in MACP No.197 of 2010 holding that the Respondent-claimant are entitled sum of Rs.23,80,000/- with 7% interest p.a. by way of compensation.
- 3 In this First Appeal, Insurance Company is challenging the amount of compensation to the extent of Rs.12,50,000/- only. To that effect, Insurance Company has made a statement in note no.2 on page 6 of Appeal Memo.
- 4 Considering the submissions made by the

learned counsel for the Appellant and after perusing the judgment and award passed by the Tribunal, I am satisfied that the Applicant has made out a case for following order :

- a) Admit.
- b) Appellant to file private paper book within one year from today, failing which the appeal shall stand dismissed without further reference to the court.
- c) Printing and filing of Roznama is dispensed with.
- d) The learned counsel for the Respondent waives service.
- e) It is made clear that the Respondent-claimant are entitled to withdraw sum of Rs.11,30,000/- which is not challenged by the Insurance Company in the present First Appeal, without furnishing any security in equal shares.
- f) Respondent no.6 is a minor. Hence, his share be deposited in Fixed Deposit of any nationalized bank initially for a period of one year and same be continued till further orders.
- g) If Respondent-claimant wants to withdraw further amount, they are entitled to prefer separate application and that will be decided on its own merits, as liberty granted by this court at the time of deciding Civil Application No.937 of 2015.

h) Later on, the learned counsel for the Respondent-claimant submits that now he received instructions from his client that they have already withdrawn the entire amount deposited by the appellant Insurance Company. Hence, there is no question of passing any order for withdrawal. Hence, the order passed by this court to the extent of withdrawal of the amount is recalled.

(K.K.TATED, J.)