

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

**CIVIL APPLICATION NO.541 OF 2017
IN
FIRST APPEAL (ST.) NO.10810 OF 2015**

Shri Arvind Krishna Yevale And Others ... Applicants
Versus
The New India Assurance Co. Ltd. ... Respondent

**AND
CIVIL APPLICATION NO.704 OF 2017
IN
FIRST APPEAL (ST.) NO.10810 OF 2015**

The New India Assurance Co. Ltd. ... Applicant
Versus
Shri Arvind Krishna Yevale And Others ... Respondents

**WITH
CIVIL APPLICATION NO.1228 OF 2016
WITH
CIVIL APPLICATION NO.1229 OF 2016
IN
FIRST APPEAL (ST.) NO.10810 OF 2015**

The New India Assurance Co. Ltd. ... Applicant
Versus
Shri Arvind Krishna Yevale And Others ... Respondents

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Ms. Poonam Mittal for the Appellant/Applicant in Civil Application No.704 of 2017.

Mr. Nikhil Wadikar i/b N.V. Pawar for Respondent Nos.1 and 2/Applicants in Civil Application No.541 of 2017.

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CORAM : S.C.GUPTE, J.

DATE : 18 APRIL 2017

P.C. :

. Heard learned Counsel for the parties.

2 Civil Application No.541 of 2017 is taken out by Respondent Nos. 1 to 3 to the First Appeal (original Applicants before the MACT, Satara) for withdrawal of the amount deposited by the Appellant Insurer before the Motor Accident Claims Tribunal, Satara, as a condition for grant of stay of execution of the impugned award. It may be seen from the First Appeal that the grounds of challenge raised by the Appellant Insurer to the impugned award reflect mainly on the quantum of compensation. In the premises, it will be fair and reasonable and in the interest of justice, considering particularly, the financial circumstances of the original Applicants that the Applicants are permitted to withdraw 50% amount deposited by the Appellant Insurer before the Motor Accident Claims Tribunal, Satara, towards the impugned award.

3 Accordingly, the civil application is disposed of by permitting the Applicants to withdraw Rs.8,00,000/- from out of the amount deposited by the Appellant before the Motor Accident Claims Tribunal, Satara. The remaining amount shall be invested in fixed deposit/s of a Nationalized Bank initially for a period of two years and renewable from time to time till the disposal of the First Appeal.

4 Civil Application No.704 of 2017 is for an order of substituted service against Respondent Nos.4 and 7. The application is allowed in terms of

prayer clause (a), with returnable date to be notified as 19 June 2017.

(S.C. GUPTE, J.)