

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (STAMP) NO. 33020 OF 2015
WITH
CIVIL APPLICATION NO. 4319 OF 2015

The New India Assurance Co. Ltd. .. Appellant
vs.
A. V. Shinde & Ors. .. Respondents

Mr. D. S. Joshi for Appellant.
Mr. V. R. Kadam i/b. Mr. Y. P. Narvankar for Respondents.

CORAM : M. S. SONAK, J.
DATE: 23 JANUARY 2017

P.C :

1] Admit.

2] The execution of the award is stayed, now that the appellant has deposited the entire awarded amount before the concerned MACT.

3] In this case, the appellant – insurance company mostly questions the issue of quantum of compensation. He submits that though the deceased in this case was only 23 years of age on the date of the accident, it is the age of the parents – claimants which is required to be taken into consideration in determining the compensation. In all, compensation of Rs.11 lakhs or thereabouts has been deposited by the appellant.

4] The age of the parents as indicated in the cause title was 58 and 47 years respectively. Taking into consideration, it will be appropriate if the respondent no. 2 – mother is permitted to withdraw 50% of the amount deposited before the MACT without furnish of any security. However, it is made clear that such amount shall abide by final orders in this appeal.

5] Civil application for stay is disposed of in the aforesaid terms. It is required to be noted that the impugned award has directed that compensation be paid only to respondent no. 2 – mother, but the claim as against the father and the sister has not been allowed.

(M. S. SONAK, J.)

Chandka