

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1614 OF 2018
IN
FIRST APPEAL (ST) NO. 24031 OF 2017

Gita Ajay Mulik & Ors.

..Applicants

v/s.

New India Insurance Co. Ltd.

..Respondents

Mr. Nagesh Chavan for the Applicant/Appellant

Mr. Mayuri Dhumal i/b. Milind More for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th APRIL, 2018.

P.C.

1. The applicants herein who are the original claimants have sought withdrawal of the amount deposited by the appellant-insurance company as per the judgment and award dated 13th March, 2017 passed by the MACT, Sangli in MACP No. 8 of 2015.
2. The MACT, Sangli has awarded compensation of Rs. 42,38,900/- with interest @ 7.5% per anum. The learned Counsel for the appellant-insurance company submits that the appellant-insurance company has deposited an amount of Rs.49,11,286/- which includes decretal amount along with interest accrued thereon.
3. The appellant-insurance company has challenged the judgment

and award mainly on the issue of rash and negligent driving of the offending vehicle, and has also challenged the quantum of compensation.

4. Considering the above facts, amount of Rs.28 lakhs is ordered to be invested as per clauses (I), (ii) and (iii) of para 4 of the operative part of the order.

5. Out of the balance amount of Rs.21,11,286/- the applicant nos.3 and 4 be paid Rs.2,50,000/- each and the balance amount of Rs.6,11,286/- be paid to the applicant no.1, on the applicants furnishing an undertaking before the Tribunal that they will abide by the final orders that may be passed in this appeal.

6. The balance amount of Rs.10 lakhs be invested in the name of the claimant no.2 who is a minor, in any nationalized bank, with liberty to the applicant no.1 to withdraw the interest to meet the expenses of the applicant no.2.

7. It is made clear that the payment of the amount is subject to final outcome of the appeal.

8. Civil Application is disposed of.

(ANUJA PRABHUDESSAI, J.)