IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1299 OF 2016
IN
FIRST APPEAL (ST) NO.3648 of 2016

Mandakini Baburao Thombare & Ors. ..Applicants

v/s.

National Insurance Co. Ltd. . ..Respondents

Mr. Sachin Chavan i/b. Swapnil Mhatre for the Applicant
Mr. Amol Gatne for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 17th APRIL, 2018.

P.C.

1. The applicant herein who are the original claimants have sought withdrawal of the amount deposited by the appellant insurance company, pursuant to the judgment and award dated 17th June, 2015 passed by the MACT, Mlshiras in MACP No.12 of 2011.

2. The applicant no.1 is the widow and the applicant no.2 is the child of the deceased Baburao Thombre, who died in a motor vehicular accident. By judgment and award dated 17th June, 2015

the MACT has awarded compensation of Rs.20,19,000/- with interest @ 7 % per anum from the date of petition till realization. The appellant-respondent no.1 has challenged the said award and during pendency of the appeal has deposited the entire amount along with interest accrued thereon.

3. The appellant- insurance company has challenged the award mainly on the ground of non joinder of the driver of the vehicle and also on the quantum of compensation. Considering the ground raised, in my considered view, 50% of the compensation amount can be paid to the claimants.

4. Hence, the Tribunal is directed to pay 25% of the compensation along with interest accrued thereon to the applicant no.1, on furnishing an undertaking to the MACT that she will abide by the final orders that may be made in this appeal. The applicant no.2 being minor, 25% of the compensation amount alongwith the interest accrued thereon is ordered to be invested in the name of the applicant no.2 in any nationalized bank until further orders, with liberty to the applicant no.1 to withdraw the interest accrued on the said Fixed Deposit to meet the day to day expenses of the applicant

no.2.

5. The Tribunal to invest the balance 50% amount equally in the name of applicant/claimant nos.1 and 2 in any nationalized bank until further orders.

6. Payment of compensation is subject to the final outcome of the appeal.

7. The amount of Rs.25000/- deposited by the appellant insurance company before this court be transferred to the Tribunal, and the Tribunal to invest the same along with the other amount, in any nationalized bank.

8. Civil application stands disposed of.

(ANUJA PRABHUDESSAI, J.)