

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

**FIRST APPEAL NO.1139 OF 2017
WITH
CIVIL APPLICATION NO.3128 OF 2017
WITH
CIVIL APPLICATION NO.1491 OF 2018**

Bajaj Allianz General Insurance Co. Ltd.

..Appellant

vs.

Shri Pruthaviraj Shivaji Patil & Ors.

...Respondents

Mr. Sarthak S. Diwan for the Appellant in FA No.1139/2017 and for applicant in CAF No.3128/2017 and for Respondent in CAF No.1491/2018. Mr. Nagesh Chavan for the applicant in CAF No.1491/2018 and for respondents in FA1139/2017 and CAF 3128/2017.

CORAM : V. M. DESHPANDE, J.

DATE : 16th JULY, 2018

P.C.:

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. **Admit.** Mr. Chavan, learned counsel for the respondents waives service.

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2. Heard learned counsel for the parties. The application is filed by the original claimant for withdrawal of the amount. As per the award passed by the learned Member of MACT, Sangli on 23/3/2017 in MACP No. 17/2014, the Insurance Company has deposited Rs.6,69,137/-.

3. Application is opposed by the learned counsel for the appellant.

4. After hearing the learned counsel for the parties, I pass following order:

ORDER

- i) Application is partly allowed and disposed of;
- ii) Applicant/claimant is entitled to withdraw 50% of the amount deposited by the insurance company on he giving an undertaking at the time of withdrawal that in case judgment goes against him he shall refund the amount with interest which will be calculated at that time;
- iii) The Motor Accident Claims Tribunal, Thane shall invest the remaining amount with any nationalized bank in Fixed Deposit Receipt initially for a period of 3 years and thereafter it shall be renewed year after year to save the loss of interest.

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5. Heard Mr.Diwan for the appellant. The appellant has deposited entire amount as per the award passed by the learned Member of MACT, Sangli in MACP No. 17/2014 on 23/3/2017. Today, application filed on behalf of the claimant for withdrawal of the amount is partly allowed. As entire amount is deposited by the appellant, there shall be stay to the impugned award. Application is disposed of.

(V. M. DESHPANDE, J)