

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

**CIVIL APPLICATION NO. 344 OF 2012
IN
FIRST APPEAL NO. 139 OF 2012**

National Insurance Company Limited	... Applicant
Versus	
Suresh Narayan Khopkar and others	... Respondents

**WITH
CIVIL APPLICATION NO. 4179 OF 2018
IN
FIRST APPEAL NO. 139 OF 2012**

Suresh Narayan Khopkar and another	... Applicants
Versus	
National Insurance Co. Ltd. And another	... Respondents

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Mr. Nikhil Mehta, Advocate i/b KMC Legal Venture for the Applicant in CA 344 of 2012.

Mr. T.J. Mendon, Advocate for the Applicants in CA No.4179 of 2018 and for Respondents in CA No.344 of 2012.

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CORAM : A. S. CHANDURKAR, J.

DATE : 5th DECEMBER, 2018.

P. C.:

CIVIL APPLICATION NO. 344 OF 2012

1. As the appellant has deposited the entire amount of compensation as directed, the execution of the impugned award shall remain stayed during pendency of the appeal.

2. Civil application is disposed of.

CIVIL APPLICATION NO. 4179 OF 2018

1. Heard learned Counsel for the parties. Perused the impugned judgment.
2. The appeal as preferred is on the ground that the quantum of compensation as awarded is on higher side.
3. In the facts of the case the applicants are permitted to withdraw 50% of the amount of compensation as deposited. The remaining amount shall be invested in a fixed deposit.
4. The Record and Proceedings which were called to this Court be sent to the Claims Tribunal, Thane to enable disbursement of the aforesaid amount. After the amount is disbursed the Record and Proceedings be sent back to this Court.
5. Civil application is disposed of.

(A. S. CHANDURKAR, J.)