

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

**CIVIL APPLICATION NO. 782 OF 2018
IN
FIRST APPEAL NO. 234 OF 2018**

Aniket Arvind SakpalApplicant

In the matter between :-

The New India Assurance Co. Ltd.Appellant

V/s.

Aniket Arvind Sakpal & Anr.Respondents

Ms. Rekha Musale I/b. Rajesh More for the applicant.

Mr. Sanjay Krishnan i/b. S.S. Jinsiwale for the appellant/insurance co.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 18th APRIL, 2018.

P.C.:

. Heard the learned counsels for the respective parties.

2. By this application, the applicant has sought to withdraw the amount deposited by the appellant / insurance company before the MACT, Pune.

3. By judgment and award dated 25th June, 2015 passed by the Addl. Member, MACT, Pune in MACP No.355 of 2006, the Claims Tribunal has awarded compensation of Rs.2,59,316.60ps/- inclusive of no fault liability with interest @ 9% per annum to the respondent no.1

herein from the date of application till realization of entire amount to the applicant.

4. The appellant / insurance company has deposited the entire amount alongwith interest accrued thereon before the Claims Tribunal. The appellant has disputed its liability to pay compensation on the ground that the vehicle was not insured on the date of the accident. Considering the grounds raised in the appeal memo as well as findings rendered on the said issue, 40% of the total compensation alongwith appropriate interest accrued thereon is ordered to be paid to the Applicant-Aniket Sakpal. The Tribunal to deposit the balance amount in any nationalized bank till the disposal of appeal.

5. It is made clear that the payment is subject to the final outcome of the appeal. The applicant shall give an undertaking before the Tribunal that he will abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)