

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

**CIVIL APPLICATION NO. 1612 OF 2018
IN
FIRST APPEAL (ST.) NO. 31693 OF 2016**

Nilesh Pramod ShendurnikarApplicant

In the matter between :-

National Insurance Company LimitedAppellant

v/s.

Shri. Nilesh Pramod Shendurnikar & Anr. ...Respondents

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

Ms. Snehal S. Dwivedi for the appellant / insurance company.

Mr. Rahul V. Shinde i/b. Sanjay Kshirsagar for R.No.2.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 18th APRIL, 2018.**

P.C.:

. Heard the learned counsels for the respective parties.

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

3. By judgment and award dated 20th April, 2016 passed by the Chairman, MACT, Pune in MACP No. 991 of 2012 wherein the Claims Tribunal has awarded compensation of Rs.36,66,276/- with interest @ 9% per annum to the respondent no.1 herein from the date of filing of

the petition till realization of the amount.

4. The appellant has challenged the judgment and award mainly on the quantum of compensation awarded. Hence, 50 % of total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the Applicant-Nilesh Shendurnikar (*respondent no.1 in appeal*). The Tribunal to invest 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-Nilesh Shendurnikar shall give an undertaking before the Tribunal that he shall abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)