

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

**CIVIL APPLICATION NO. 1386 OF 2018
IN
FIRST APPEAL NO. 683 OF 2015**

Vitthal Ramakant Bhanushali & Anr.Applicants

In the matter between :-

The United India Insurance Ltd.Appellant

V/s.

Vitthal Ramakant Bhanushali & Ors.Respondents

Mr. Yogendra Pendse for the applicants.

Mr. A.R. Patil, AGP for the State.

Mr. Ravi Mehta i/b. KMC Legal Venture for the appellant / insurance company.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 02nd MAY, 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, Thane.

3. By judgment and award dated 30th January, 2015 passed by the Member, MACT, Thane in MACP No.880 of 2010, the Tribunal has

awarded compensation of Rs.17,21,580/- inclusive of no fault liability, with interest @ 7% per annum to the respondent nos.1 and 2 herein from the date of application till its realization.

4. The appellant / insurance company has deposited an amount of Rs.23,91,127/- before the Claims Tribunal.

5. Having considered the grounds raised in the appeal and application, in my considered view, 20% each of the total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the applicant nos.1 and 2 respectively. The Tribunal to invest the balance amount in any nationalized bank till the disposal of the appeal.

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

7. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)