

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

**CIVIL APPLICATION NO.1456 OF 2018
IN
FIRST APPEAL(STAMP) NO.10661 OF 2017**

Harishchandra Gajanan Pawar ...Applicants

Versus

Future Generali India Insurance Co.
Ltd. ...Respondents

.....

Mr. T.J. Mendon for the Applicants.
Mr. D.R. Mahadik for the Respondent No.1.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th APRIL, 2018.

P.C.:-

By this application, the Applicant, who is the original claimant in Claim Application No.2187 of 2010 has sought to withdraw the amount deposited by the Appellant-Insurance Company.

2. By judgment and award dated 22nd November, 2016 passed in Claim Application No.2187 of 2010, the Claims Tribunal has awarded compensation of Rs.67,23,000/- in favour of the Applicants alongwith interest @ 9% per annum from the date of application till realization of the amount.

3. It is seen that the Appellant-Insurance company has challenged only the quantum of compensation. Considering the said fact, 50% of the compensation alongwith proportionate interest accrued thereon is ordered to be paid to the Applicant (original claimant). Balance amount be invested in any Nationalised Bank till the disposal of the appeal on merits. The Civil Application stands disposed of.

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

(SMT. ANUJA PRABHUDESSAI, J.)