

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

**CIVIL APPLICATION NO. 1623 OF 2018
IN
FIRST APPEAL (ST.) NO. 18067 OF 2016**

Seema Mukesh Gupta & Ors.Applicants

In the matter between :-

The New India Assurance Co. Ltd.Appellant

V/s.

Hasibul Ali Shaikh & Anr.Respondents

Mr. Y.G. Thorat i/b. Mr. A.B. Tajane for the applicants.
Mr. Sanjay Krishna i/b. Sandip S. Jinsiwale for the appellant /
insurance company.

**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, Mumbai.
3. By judgment and award dated 23rd October, 2015 passed by the Member, MACT, Mumbai in MACP No. 1436 of 2013 wherein the Claims Tribunal has awarded compensation of Rs.9,23,000/- inclusive

of no fault liability, with interest @ 7.5% per annum to the respondent nos.1 to 3 herein from the date of application till actual realization.

4. Considering the grounds raised in the appeal, 30 % of total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the applicant no.1 and 10% each of total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the applicant nos. 2 and 3. 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 nos.1 to 3 (*respondents in appeal*) shall give an undertaking before the Tribunal that they will abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)