

*Sarnobat*

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

**FIRST APPEAL NO. 1250 OF 2017  
ALONGWITH  
CIVIL APPLICATION NO. 2420 OF 2018  
ALONGWITH  
CIVIL APPLICATION NO. 3558 OF 2017**

HDFC A. R. G. General Insurance Co. Ltd. ... Appellant.  
Vs.  
Shri Anand shankar Gole & Ors. ... Respondents.

Mr. Abhijit Kulkarni, for the Appellant in FA and CAF 3558/17.  
Mr. S. B. Thorat I/by Mr. Y. G. Thorat, for the Respondent No.1 FA and  
for applicant in CAF 2420/18.

**CORAM : V. M. DESHPANDE, J.**

**DATE : 17<sup>th</sup> JULY, 2018.**

**P. C. :**

1. Heard Shri Kulkarni for the appellant. **Admit.** Call record  
and proceedings.

**CIVIL APPLICATION NO. 2420 OF 2018**

2. This is an application for withdrawal of the amount filed by  
Shri Anand Shankar Gole the original claimant. The applicants/  
claimants filed a Petition for compensation before Motor Accident  
Claims Tribunal, Pune. The said was registered as MACP No. 335 of  
2012. The learned member of the said tribunal on 22<sup>nd</sup> February, 2017

allowed the said application with a direction that the opponent No. 1 to 3 therein to pay jointly and severally compensation of Rs.15,18,200/- along with interest at the rate of 9% per annum from the date of petition till realization of entire amount. Learned Member also observed in the operative portion that out of compensation payable to applicant, amount of Rs.5,00,000/- be invested in Fixed Deposit in the name of applicant in any nationalized bank of his choice.

3. The Insurance Company filed an appeal before this Court only with ground of quantum.

4. The Insurance Company has deposited entire amount before the MACT, Pune. Looking to the nature of the attack on the impugned judgment in the interest of justice I pass the following order;

**ORDER**

I) The application is partly allowed.

II) Applicant in this application is entitled to withdraw 50% of amount deposited along with interest before the Court below on he giving an undertaking before the said Court at the time of withdrawal of the same that, in case appeal filed on behalf of the Insurance Company is allowed by this Court, in that event he will refund the amount which he has withdrawn along with interest that will be determined by this Court.

III) The remaining 50% amount shall be invested by the Court below in any nationalized bank initially for a period of two years and shall continue to do the same to save loss of interest.

**CIVIL APPLICATION NO. 3558 OF 2017**

5. This is an application for stay. The Insurance Company has already deposited the entire amount along with interest in view of the earlier order passed by this Court. Today this Court has admitted the appeal filed on behalf of the Insurance Company and also partly allowed the application on behalf the claimant to 50% of the amount. In that view of the matter, there shall be a stay to the execution of judgment and award in so far as remaining 50% of the amount during the pendency of the application.

6. Application is disposed of.

**[ V. M. DESHPANDE,J.]**