

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.3343 OF 2017  
IN  
FIRST APPEAL NO.1155 OF 2016**

Mrs. Arjoo Vasim Naik & Ors. ...Applicants

Versus

M/s. Iffco Tokyo General Insurance  
Co. Ltd. ...Respondent

.....

Ms Sushma Praful Gor for the Applicants.

Ms. Jyoti Bajpayee for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 23<sup>rd</sup> MARCH, 2018.**

**P.C.:-**

The Applicants, who are the original claimants have sought withdrawal of the amount deposited by the Respondent No.1-Insurance Company in the Tribunal.

2. The Applicants had filed a Petition under Section 166 of the Motor Vehicles Act, 1988. By judgment and award dated 15.1.2016 in M.A.C.P. No.144 of 2011, the Claims Tribunal has awarded compensation of Rs.9,12,393/- in favour of the Respondents herein which is inclusive of compensation towards no fault liability, alongwith interest @ Rs.8% per annum from the date of the petition till realization of the amount.

3. The Appellant-Insurance Company has challenged the said award and during the pendency of the appeal deposited Rs.13,83,936/- which is inclusive of interest.

4. The Insurance Company has disputed its liability to pay compensation and also challenged the quantum of compensation. In the circumstances, I am not inclined to order payment of the entire compensation. Furthermore claimant No.3 is a minor and hence I am also not inclined to release the amount payable to the claimant No.3. The Tribunal is therefore directed to invest 1/3 share of the Applicant No.3 alongwith proportionate interest accrued thereon in any Nationalised Bank till the disposal of the appeal. As far as Applicant Nos.1 and 2 are concerned, each of them may be paid 25% of their respective shares alongwith proportionate interest accrued thereon. The civil application stands disposed of accordingly.

5. It is made clear that payment is subject to the final outcome of the appeal. The Applicants to file necessary undertaking before the M.A.C.T., Raigad Alibag that they shall abide by the order that may be passed in the appeal.

**(SMT. ANUJA PRABHUDESSAI, J.)**