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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 694 OF 2017
WITH
CIVIL APPLICATION No. 2040 OF 2018
WITH
CIVIL APPLICATION No. 2208 OF 2017

Iffco Tokio General Insurance Co. Ltd. ... Appellant
Vs.
Ajay A. Sonawane & Ors. ... Respondents

Mr. Varsha Chavan, for the Appellant and for the Applicant in
CAF. 2208/2017 and for the Respondent in CAF. 2040/2018.

Ms. Sangeeta S. Salvi, for the Respondent Nos. 1 and 2 in FA.
694/2017, CAF. 2208/2017 and for Applicant in CAF.
2040/2018.

CORAM : V. M. DESHPANDE, J.

DATE : JULY 18, 2018

PC :-

FIRST APPEAL No. 694 OF 2017

1. Heard the learned counsel for the Appellant. **Admit.**
Learned counsel Ms. Sangeeta S. Salvi waives service of notice
for the original claimants / Respondent Nos. 1 and 2. Call for

record and proceedings.

CIVIL APPLICATION No. 2040 OF 2018

2. This is an application filed by the original claimants, who are sons of deceased Abhiman Sonawane, for withdrawal of the amount of compensation deposited by the insurance company before the court below. The learned court below vide impugned judgment and award dated 31.8.2016 passed by the learned Motor Accident Claims Tribunal, Thane in MACT Application No. 132 of 2014 directed the insurance company to pay Rs. 8,30,000/-to the claimants including the amount of “no fault liability”, alongwith interest @ 8% p.a. from the date of petition till realization of the amount.

3. The learned counsel for the insurance company submits that the insurance company has already deposited the entire amount of compensation, in the court below.

4. After hearing the learned counsel for the Applicants / original claimants and the learned counsel for the insurance company, in the interest of justice, I pass the following order:

- (i) The Applicants / original claimants are entitled to withdraw 50% of the amount deposited by the insurance company in the lower Court alongwith the interest, in the proportion of 25% each to the present Applicants.
- (ii) Office is directed to transfer statutory deposit to the learned court below.
- (iii) The remaining 50% of the amount alongwith the statutory deposit shall be invested by the court below in any nationalised bank, initially for a period of 3 years and renew the same as and when occasion arises.
- (iv) Civil Application No. 2040 of 2018 is accordingly partly allowed and disposed of in the aforesaid terms.

CIVIL APPLICATION No. 2208 OF 2017

- 5. This is an application filed by the insurance company

for stay to the impugned judgment and award of the learned Tribunal. Heard the learned counsel for the insurance company and the original claimants. Today, this Court has admitted the appeal filed on behalf of the insurance company, as also allowed the original claimants to withdraw 50% of the compensation deposited by the insurance company, as indicated in the order. In that view of the matter, pending the hearing and disposal of the appeal, there shall be stay in respect of 50% compensation awarded vide impugned judgment and award dated 31.8.2016 passed in MACP No. 132 of 2014 by the learned Tribunal at Thane, which the trial court will be investing in any nationalised bank.

6. Civil Application No. 2208 of 2017 is disposed of in the aforesaid terms.

Sd/-
[V. M. DESHPANDE, J.]

Vinayak Halemath