

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

**CIVIL APPLICATION NO. 813 OF 2018
IN
FIRST APPEAL (ST.) NO. 17630 OF 2014**

Mohan Nathu Kadav & Anr.	Applicants
<u>In the matter between :-</u>	
New India Insurance Company	Appellant
V/s.	
Mohan Nathu Kadav & Ors.	Respondents

Mr. Sanjay A. Ghaisas for the applicants.
Ms. Poonam Mittal & Amruta Gavankar i/b. Ramesh Cheulkar
for the appellant in FAST 17630 of 2014.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 04th 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, Alibag-Raigad.
3. By judgment and award dated 21st August, 2013 passed by the Ex-Officio Member, MACT, Raigad-Alibag in MACP No. 292 of 2007, the Claims Tribunal has awarded compensation of Rs.2,25,000/- with interest @ 6% per annum to the respondent nos.1 & 2 herein from the

date of filing of claim-petition till full realization of the entire compensation amount.

4. I have considered the grounds raised by the appellant / insurance company. In my considered view, at this stage, it would be appropriate to order payment of 50 % of total compensation alongwith appropriate interest accrued thereon. Accordingly, 25% of total compensation alongwith appropriate interest accrued thereon is ordered to be paid to each of the applicant nos.1 and 2. The Tribunal to deposit the balance amount in any nationalized bank in the names of the respective claimants 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 and 2 (*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.)