

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

**CIVIL APPLICATION NO. 1142 OF 2018
IN
FIRST APPEAL NO. 1071 OF 2017**

Mr. Rajesh Parshuram VidhateApplicant

In the matter between :-

The New India Assurance Co. Ltd.Appellant

V/s.

Mr. Rajesh Parshuram Vidhate & Anr. ...Respondents

Mr. Rohan Darandale for the applicant.

Mr. Sanjay Krishnan i/b. Mr. D.S. Joshi 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 applicant has sought to withdraw the amount deposited by the appellant / insurance company before the District Judge-2 and Ex-Officio Member, MACT, Raigad-Alibag.

3. By judgment and award dated 22nd October, 2016 passed by the District Judge-2 & Ex-Officio Member, MACT, Raigad-Alibag in MACP No. 268 of 2013, the Claims Tribunal has awarded compensation of

Rs.11,47,678/- inclusive of no fault liability, with interest @ 9% per annum from the date of application till realisation of the amount.

4. Having considered the grounds raised in the appeal, 30% of total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the Applicant-Rajesh P. Vidhate. The Tribunal to invest 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 (*respondent in appeal*) shall give an undertaking before the Tribunal that he will abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)