

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

**CIVIL APPLICATION NO. 1728 OF 2018
IN
FIRST APPEAL NO. 1470 OF 2016**

Mrs. Subhadra Shivaji Kudale & Ors.Applicants

In the matter between :-

The New India Assurance Co. Ltd.Appellant

V/s.

Mrs. Subhadra Shivaji Kudale & Ors.Respondents

Mr. Ravi G. Shinde for the applicants.

Mr. Sudhakar Pandharinath I/b. Mr. Milind V. More for the appellant / insurance company.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 02nd MAY, 2018.**

P.C.:

. At the outset, Mr. Sudhakar Pandharinath learned counsel for the appellant seeks leave to delete the name of applicant nos. 2 and 3 from the cause title. Leave is granted. Cause title be amended forthwith.

2. By this application, the applicants have sought to withdraw the amount deposited by the appellant / insurance company before the MACT, Pune.

3. The applicant no.1 is the mother and the applicant no.4 is the widow of the deceased-Sachin Kudale who died in a motor vehicular accident. In a petition filed under section 166 of Motor Vehicles Act, the MACT, Pune has awarded compensation of Rs.15,26,400/- with interest at 9% per annum from the date of application till the date of realization. The MACT has ordered to pay 2/3rd part of compensation to the mother and 1/3rd to the widow of the deceased.

4. The appellant / insurance company has deposited the entire amount of Rs.23,85,611/- which is inclusive of interest as per the award. Hence, 25% of the total compensation alongwith proportionate interest accrued interest thereon is ordered to be paid to the Applicant No.4-Mangal Sachin Kudale, widow of the deceased. 25% of total compensation alongwith proportionate interest accrued is ordered to be paid to the Applicant No.1-Mrs. Subhadra Shivaji Kudale, mother of the deceased. The Tribunal to invest the balance amount in any nationalized bank till the disposal of the appeal.

5. It is made clear that the payment is subject to the final outcome of the appeal. The applicant nos.1 and 4 shall give an undertaking

before the Tribunal that they shall abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)