**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**Civil Application in FA NO. 2686 OF 2018**
**IN**
**First Appeal (ST) NO. 2143 OF 2013**

Shankarpuri Mojipuri Goswami … Applicant
***In the matter of***
United India Insurance Company Ltd. … Appellant
Versus
Shankarpuri Mojipuri Goswami and another … Respondents

**WITH**
**Civil Application in FA NO. 2687 OF 2018**
**IN**
**First Appeal (ST) NO. 2146 OF 2013**

Pravin Varwaji Chawda … Applicant
***In the matter of***
United India Insurance Company Ltd. … Appellant
Versus
Pravin Varwaji Chawda and another … Respondents

**WITH**
**Civil Application in FA NO. 2688 OF 2018**
**IN**
**First Appeal (ST) NO. 2145 OF 2013**

Jaisingh Sahebrao Dhage … Applicant
***In the matter of***
United India Insurance Company Ltd. … Appellant
Versus
Jaisingh Sahebrao Dhage and another … Respondents

**WITH**
**Civil Application in FA NO. 2689 OF 2018**
**IN**
**First Appeal (ST) NO. 2144 OF 2013**

Lala Ganpat Chavan … Applicant
***In the matter of***
United India Insurance Company Ltd. … Appellant
Versus
Lala Ganpat Chavan and another … Respondents

…..

Mr. T.J. Mendon for Applicant-original claimant.
Mr. Amol Gatne for Respondent-insurance company.

…..

**CORAM : K. K. SONAWANE, J.**

**DATE : 8th AUGUST, 2018.**

**P. C.:**

1. Heard learned Counsel for the applicant-original claimant and learned Counsel for respondent-insurance company.

2. The applicant-original claimant moved the present application seeking permission to withdraw compensation amount deposited in the M.A.C.T. Mumbai.

3. Learned Counsel for the respondent-insurance company raised objection and submits that the insurance company preferred appeal and put in controversy quantum of compensation

amount. Learned Tribunal did not appreciate the circumstances in proper manner and granted exorbitant and excessive compensation amount. Learned Counsel requested not to allow the applicant to withdraw compensation amount deposited before the Tribunal.

4. In view of reasons mentioned in the application and the grounds of appeal raised on behalf of appellant-insurance company, I do not find it justifiable to preclude the claim to avail benefit of impugned judgment and award passed by the Tribunal granting compensation to the applicant. The applicant-claimant is at least permitted to withdraw 75% of the compensation amount deposited before the Tribunal. Definitely, it would subserve the purpose in the interest of justice.

5. Accordingly, civil application stands allowed partly. The applicants-claimants are permitted to withdraw 75% amount from the compensation amount deposited before the M.A.C.T. Mumbai, subject to condition that the applicant shall furnish undertaking that he would refund the amount so withdrawn forthwith in case any contingency arises in the appeal. Rest of the balance

compensation amount deposited before the M.A.C.T. be invested in any nationalised bank in FDR account for a period of two years or till decision of appeal on merit, whichever is earlier, with liberty to renew the FDR in future, if required.

6. Registry of the M.A.C.T. Mumbai to take requisite steps for disbursement of amount as directed above in favour of the applicant-original claimant and forward compliance report to this Court.

7. Accordinglh, civil application stands disposed of in above terms.

**( K. K. SONAWANE, J.)**