

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

**CIVIL APPLICATION NO. 2941 OF 2017
IN
FIRST APPEAL (ST.) NO. 19149 OF 2015**

Suresh Shankar Naik	Applicant
<u>In the matter between :-</u>	
The New India Assurance Co. Ltd.	Appellant
V/s.	
Suresh Shankar Naik & Ors.	Respondents

Mr. Jayant J. Bardeskar for the applicant.
Mr. Misar for the appellant / insurance company.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 04th 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 MACT, Kolhapur.
3. By judgment and award dated 16th March, 2015 passed by the Member, MACT, Kolhapur in MACP No. 279 of 2012, the Claims Tribunal has awarded compensation of Rs.5,96,225/- inclusive of no fault liability, with interest @ 7% per annum to the respondent no.1

herein from the date of filing of petition, till its realization.

4. After having considered the grounds raised in the appeal, 50% of total compensation alongwith appropriate interest accrued thereon is ordered to be paid to the applicant (original claimant). The balance amount is to be deposited in the name of the claimant 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.)