

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

**CIVIL APPLICATION NO.1149 OF 2018
IN
FIRST APPEAL NO.601 OF 2017**

Smt. Jainabi Ahmed Shaikh and Anr. ...Applicants

In the matter of
Future Generali India Ins. Co. Ltd. ...Appellant

Versus

Mohd. Hanif Ahmed Shaikh & Ors. ...Respondents

.....

Mr. T.J. Mendon for the Applicant.
Mr. D.R. Mahadik for the Appellant.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 21st MARCH, 2018.

P.C.:-

The Applicant No.1 Jainabi Ahmed Shaikh is the widow of and the Applicant No.2-Mohd. Hanif Ahmed Shaikh is the son of the deceased Ahmed Papamiya Shaikh, who expired in a Motor vehicular accident. In the M.A.C.P. No.415 of 2015 filed by the Applicant No.2 the Motor Accident Claims Tribunal, Pune awarded compensation of Rs.7,57,800/- with interest at the rate of Rs.9% per annum. 40% of the said compensation was ordered to be paid to the Applicant No.2 and 60% to the Applicant No.1, who was impleaded in the said claim petition as opponent No.3. The Appellant/insurance company has

challenged the said award and during the pendency of the appeal, has deposited an amount of Rs.7,88,705/- which is inclusive of interest.

2. By this application, the Applicants have prayed for withdrawal of the amount. The Insurance company has mainly challenged the quantum of compensation payable to the Applicants. Considering the grounds raised in the appeal, 50% of the total amount with proportionate interest is ordered to be paid to each of the Applicants. The balance amount should be invested in their respective names in any nationalised banks until further orders.

3. The application stands disposed of accordingly.

4. Suffice it to say that the payment is subject to final outcome of the appeal. The Applicants shall file an undertaking before the Tribunal that they shall abide by the orders that may be passed in the appeal.

(SMT. ANUJA PRABHUDESSAI, J.)