

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

**CIVIL APPLICATION (ST.) NO. 36488 OF 2017  
IN  
FIRST APPEAL (ST.) NO. 9856 OF 2016**

|                                     |                 |
|-------------------------------------|-----------------|
| Rahul Vitthal Avgan                 | ....Applicant   |
| <u>In the matter between :-</u>     |                 |
| Reliance General Insurance Co. Ltd. | ....Appellant   |
| V/s.                                |                 |
| Rahul Vitthal Avgan & Anr.          | ....Respondents |

Mr. Rahul S. Kate for the applicants.  
Ms. Deepika Prabhala for the appellant / insurance company.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.  
DATED: 11<sup>th</sup> 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, Baramati.
3. By judgment and award dated 03<sup>rd</sup> September, 2015 passed by the MACT, Baramati in MACP No.67 of 2012, the Claims Tribunal has awarded compensation of Rs.7,17,702/- with interest @ 9% per annum to the respondent no.1 herein from the date of institution of the petition till the date of payment of the said amount.

4. The Appellant-Insurance company has challenged the judgment and award and during the pendency of the appeal has deposited the compensation with accrued interest. Having considered the grounds raised by the appellant / insurance company, at this stage, I am inclined to allow withdrawal of 75% of the total compensation alongwith proportionate interest accrued thereon. Accordingly, 75% of the total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the Applicant. The balance amount be invested in the name of applicant 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 (*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.)**