IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 757 OF 2019
IN
FIRST APPEAL NO. 231 OF 2019

Netaji Ashok Ingawale & Anr. ….Applicants

In the matter between :-
Future General India Insurance Co. Ltd. ….Appellant
V/s.
Kamal Ashok Ingawale (Dead)
Netaji Ashok Ingawale & Ors. ….Respondents

Ms. Nishu Gandhi I/b. Res Juris for the appellant in FA 231/19 and for respondent no.1 in CAF 757/2019.
Mr. R.V. Sankpal for respondent nos.2 and 3 in FA 231/2019 and for the applicant in CAF 757/2019.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 27th FEBRUARY, 2019.

P.C.:

. Heard the learned counsels for the respective parties.

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

3. By judgment and award dated 12/04/2018 passed by the Member, MACT, Satara in MACP No.220/2013, the Tribunal has awarded compensation of Rs.9,01,200/- inclusive of no fault liability,

with interest @ 9% per annum from the date of filing of the petition till complete realization thereof.

4. The appellant / insurance company has deposited an amount of Rs.12,30,312/- towards the principle amount as well as the interest as per the impugned judgment and award before the Claims Tribunal.

5. The insurance company has challenged mainly the quantum of compensation. Considering the grounds raised in the appeal, 50% of the total compensation deposited by the insurance company, is ordered to be paid to the applicants in equal proportion i.e., 25% each. The Tribunal to invest the balance amount in any nationalized bank till the disposal of the appeal.

6. It is made clear that the payment is subject to the final outcome of the appeal. The applicants shall give an undertaking before the Tribunal that they shall abide by the order that may be passed in the appeal.

7. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)