

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

CIVIL APPLICATION NO. 2786 OF 2019  
in  
FIRST APPEAL NO. 1469 of 2016  
WITH  
FIRST APPEAL NO. 1469 of 2016

Anil Abbas Kurane & Ors.

..Applicants

**In the matter between.**

Future Generally India Insurance Co. Ltd.  
& Ors.

..Appellants

versus

Anil Abbas Kurane & Ors.

..Respondents

Mr. D.R.Mahadik for the Appellant in FA 1469/2016 and for the Respondent no.1 in CAF/2786/2019.

Mr. Jayant Bardeskar a/w. Satyajeet Shirke for the Respondent Nos.1 to 3 in FA and for the applicants in CAF/2786/2019.

Mr. S.S.Redkar for the Respondent No.4.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATED : 14<sup>th</sup> AUGUST, 2019.**

**P.C.**

1. The applicants who are the Original Claimants have sought withdrawal of the compensation deposited by the Insurance Company in compliance with the judgment and award dated

29.4.2016. By the impugned judgment and award passed in MACP No.641 of 2013, the learned Member of the MACT, Kolhapur, has awarded compensation of Rs.5,95,000/- with interest @ 8% per anum from the date of application till realization.

2. The said compensation is ordered to be paid to the applicant nos.2 and 3 being the mother and sister of deceased Pravin kurane.

3. The applicant nos.2 and 3 claim that they have no other source of livelihood. It is further stated that the appellant Insurance Company has not challenged the quantum of compensation. It is stated that the only ground raised in the appeal is that the Tribunal ought to have passed pay and recover order. Having considered the reasons stated in the application as well as the grounds raised in the appeal memo, 50% of the compensation along with appropriate interest accrued thereon is ordered to be paid to the applicant nos.2 and 3.

4. The applicants shall furnish an undertaking before the tribunal that they will abide by the final orders that may be passed in this appeal.

5. The MACT, to re-invest the balance amount in the names of the

respective applicants, in any nationalized bank after making the payment as stated above.

6. It is made clear that the payment of the amount is subject to the final outcome of the appeal.

7. Civil application stands disposed of.

**FIRST APPEAL NO.1469 OF 2016.**

8. Considering the narrow constroversy involved in the appeal, parties are put to notice that endeavor will be made to dispose of the appeal at the stage of admission.

9. The learned Counsel for the appellant seeks leave to file compilation of documents. Leave granted. Compilation to be filed with the Registry within two weeks with copy to the other side.

10. Stand over to 28.8.2019.

**(ANUJA PRABHUDESSAI, J.)**