

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION (ST) NO. 24176 OF 2018
IN
FIRST APPEAL (st) NO. 1136 OF 2018

Smt. Ulka Uday Ugavekar & Ors.

..Applicants

v/s.

Bajaj Allianz General Insurance Co.Ltd.
& Ors.

..Respondents

Mr. Mahesh Rawool for the Applicants-Original Claimants.
Mr. Sarthak Diwan for the Respondent-Insurance Co.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 25th FEBRUARY, 2019.

P.C.

1. By this application, the applicant-Original Claimants have sought withdrawal of the compensation amount deposited by the Insurance Company as per the judgment and award dated 17th August, 2017 in MACP No. 33 of 2012 passed by the MACT, Sindhudurg, Oros.

2. By the impugned judgment and award, the MACT, Sindhudurg, Oros, has directed the respondent-Insurance Company to pay an amount of Rs.11,01,000/- to the claimants with interest at the rate of

9% per anum. The MACT has ordered to pay 1/3rd compensation to each of the applicants being the widow and children of the deceased.

3. Considering the grounds stated in the application, as well as the grounds raised in the appeal, the MACT, Sindhudurg, Oros is directed to pay to the applicant no.1-widow, 50% of her 1/3rd share, the applicant no.2 is ordered to be paid 25% of her 1/3rd share, and the applicant no.3 being a minor, no amount is allowed to be withdrawn on her behalf. The applicant nos.1 and 2 shall furnish an undertaking before the tribunal that they will abide by the final orders that may be passed in this appeal.

4. The MACT, to re-invest the balance amount in the names of the respective applicants, in any nationalized bank until further orders.

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

6. Civil application stands disposed of.

(ANUJA PRABHUDESSAI, J.)