

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

CIVIL APPLICATION NO. 901 OF 2019
IN
FIRST APPEAL (ST) NO. 22577 OF 2017

Smt. Mangala Purshottam Belekar & Ors. ..Applicants

v/s.

Bharti Axa General Insurance Co. Ltd. ..Respondent

Mr. Pritesh Bohade for the Applicant.

Mr. Nikhil Mehta I/b. KMC Legal Venture for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 08th MARCH, 2019.**

P.C.

1. By this application, the applicants who are the Original Claimants have sought to withdraw the amount deposited by the Insurance Company as per the judgment and award dated 28th November, 2016 in MACP No.1045 of 2011 passed by the MACT, Nashik.

2. By the impugned judgment and award the Tribunal has awarded compensation of Rs.15,72,500/- with interest @ 7.5% from the date of application till realization. The MACT has ordered that

the amount of Rs.9,72,500/- be paid to the applicant no.1, and compensation of Rs.2 lakhs each be paid to the applicant nos.2 to 4.

3. Considering the reasons stated in the application, as well as the grounds raised in the appeal memo, 50% of the compensation is ordered to be paid to the applicants. i.e. Compensation of RS.4,86,250/- along with proportionate interest accrued thereon be paid to the applicant no.1 and compensation of Rs.1 lakh each along with proportionate interest accrued thereon be paid to the applicant nos.2 to 4.

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.

(ANUJA PRABHUDESSAI, J.)