IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 806 OF 2019
IN
FIRST APPEAL (ST.) NO. 5693 OF 2016

Devidas Changdeo Salve (deceased through heirs) :
Changdeo Mahadu Salve ….Applicant

In the matter between :-
National Insurance Co. Ltd. ….Appellant
V/s.
Devidas Changdeo Salve (deceased through heirs) :
Changdeo Mahadu Salve & Anr. ….Respondents

Ms. Harshada Rane for the applicant in CAF 790/2016, CAF 775/2016, CAF 778/2016, CAF 782/2016, CAF 784/2016, CAF 786/2016, CAF 788/2016 and for the appellant in respective FA.
Mr. Pritesh Bohade for respondent no.1 and for the applicant in CAF 805/2019, CAF 806/2019, CAF 807/2019, CAF 808/2019, CAF 809/2019, CAF 810/2019, CAF 811/2019.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 01st MARCH, 2019.

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, Nashik.

3. By judgment and award dated 14/05/2015 passed by the

Member, MACT, Nashik in MACP No.359 of 2010, the Tribunal has awarded compensation of Rs.2,87,000/- inclusive of no fault liability, with interest @ 7.5% per annum to the respondent nos.1 and 2 herein from the date of application till its realization.

4. The appellant / insurance company has deposited an amount of Rs.3,90,303/- before the MACT, Nashik.

5. By order dated 26/02/2016, this Court (Coram : K.K. Tated, J.) had allowed the applicant to withdraw 20% of the amount without furnishing any security, with liberty to take out appropriate application for further withdrawal. Hence, this application to allow further withdrawal.

6. Considering the grounds stated in the application so also the grounds raised by the respondent / insurance company in the appeal, the applicant / claimant is allowed to withdraw additional 30% of the amount deposited by the insurance company. The Tribunal to invest the balance amount in any nationalized bank till the disposal of the appeal.

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

8. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)