

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

**CIVIL APPLICATION NO. 537 OF 2019
IN
FIRST APPEAL (ST.) NO. 27514 OF 2017**

V.J. Vasanthi & Ors.Applicants

In the matter between :-

The New India Assurance Co. Ltd.Appellant

V/s.

V.J. Vasanthi & Ors.Respondents

Mr. D.S. Joshi for the applicant in CAF 3469/2017 and
in CAF 3470/2017 and FAST 27514/17 and for the
respondent in CAF 537/2019.

Mr. Haresh A. Shivdasani for respondent nos.1, 4, 5 and 6
and for the applicant in CAF 537/2019.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 06th 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, Mumbai.

3. By judgment and award dated 23/02/2017 passed by the
Member, MACT, Mumbai in Claim Application No.1932 of 2009, the
Tribunal has awarded compensation of Rs.1,29,23,000/- with interest

@ 9% per annum to the applicant nos.1 and 2 herein from the date of application till realization of the amount.

4. Having considered the grounds raised in the appeal and application, in my considered view, 40% of the total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the applicant no.1- V.J. Vasanthi, the child and the parents. The Tribunal to invest the balance amount in any nationalized bank till the disposal of the appeal.

5. 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.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)