

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

**CIVIL APPLICATION NO. 812 OF 2019
IN
FIRST APPEAL (ST) NO.26435 OF 2018**

Shri Sandip Mahadev Patil
through next friend
Shri Prakash Shripati Patil & Anr. ..Applicant

v/s.

United India Insurance Company Ltd.
& Anr. ..Respondents

Mr.Vijay Kokitkar for the Applicant/Appellant
Mr. Ketan Joshi for the Respondent no.1.

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

P.C.

1. By this application, the applicant has sought withdrawal of the amount deposited by the respondent- Insurance Company as per the judgment and award dated 22nd January, 2018, passed by the MACT, Kolhapur in MCAP 646 of 2009.
2. By the impugned award, the MACT has awarded compensation

of Rs.6,85,920/- with interest @ 9% per anum. The respondent Insurance Company has deposited an amount of Rs.10,54,991/- which is inclusive of interest.

3. Having heard Mr. Kokitkar, the learned Counsel for the applicant and Mr. Joshi, the learned Counsel for the respondent Insurance Company, and having considered the grounds raised in the application as well as in the appeal memo, 50% of the amount deposited by the Insurance company is directed to be paid to the applicant-original claimant, on the applicant furnishing an undertaking before the Tribunal that the applicant will abide by the final order that may be passed in the appeal.

4. The balance amount be invested in the name of the applicant in any nationalized bank till disposal of the appeal.

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

6. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)