

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

**CIVIL APPLICATION NO. 2019 OF 2019
IN
FIRST APPEAL NO. 1629 OF 2016**

Swarali Amol Sulkhe
In the matter between

..Applicant.
(Orig. Resp. No.1)

IFFCO TOKIO GIC LTD.

Versus

Swarali Amol Sulkhe and anr.

..Respondents.

Ms. Varsha Chavan, Advocae for the Applicant.

Mr. S. S. Jinsiwale, Advocate for Respondent No.1.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th JUNE, 2019.**

P.C.

1. By this application the applicant-Original claimant has sought withdrawal of the compensation deposited by the Insurance Company as per the judgment and award dated 30/01/2016 in MACP No. 717 of 2011, MACT Mumbai.

2. By the impugned judgment and award, the MACT has awarded compensation of Rs. 40,96,365/- (Rupees Forty Lacs Ninety Six

Thousand Three Hundred Sixty Five only) with interest at the rate of 9 % per annum till the date of realization. The Insurance company has deposited the entire amount as per the award before the MACT Mumbai.

3. The applicant has stated that she has sustained grievous injuries on account of the said accident and had to undergo various surgeries. It is stated that she has suffered functional disability to the extent of 100 % and was forced to resign from her job. The applicant states that she has spent huge amount for medical treatment.

4. Considering the grounds raised in this application, 60% of the compensation amount deposited before the MACT is ordered to be paid to the applicant. The applicant shall furnish an undertaking before the tribunal that she will abide by the final orders that may be passed in this appeal.

5. The MACT, to reinvest the balance amount in the name of the applicant, 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 accordingly.

(ANUJA PRABHUDESSAI, J.)