

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

**CIVIL APPLICATION NO. 7414 OF 2018
IN
FIRST APPEAL (ST.) NO. 32373 OF 2017**

Asha Kisan Jadhav & Ors.

....Applicants

In the matter between :-

Bajaj Allianz General Insurance Co. Ltd.

....Appellant

V/s.

Asha Kisan Jadhav & Ors.

....Respondents

Ms. Yogita Chitnis for the applicant in CAF 3844/17 and
for the appellant in FAST 32373/2017 and for the respondent
in CAFST 7414/2018.

Mr. Yuvraj P. Narvankar for R.Nos.1 and 2 and for the applicant in
CAFST 7414/2018.

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

3. By judgment and award dated 11/05/2017 passed by the
Member, MACT, Pune in MACP No.468/2014, the Tribunal has
awarded compensation of Rs.8,73,000/- with interest @ 9% p.a. to the
applicants herein from the date of claim application till its realization

within 30 days from the date of passing the award. The Tribunal has ordered that 75% of the compensation to be paid to the applicant no.1-widow, 25% to the applicant no.2-son.

4. The respondent / insurance company has deposited an amount of Rs.11,23,581/- which is inclusive of interest, before the MACT, Pune.

5. The records indicate that the respondent / insurance company had disputed involvement of the vehicle in the accident. The findings of the Tribunal prima facie indicate that the defence has not been proved. The Tribunal has observed that it is not even suggested to the witnesses that the vehicle was not involved in the incident.

6. Be that as it may, considering the reasons stated in the application as well as the grounds raised in the appeal, 30% of the total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the applicant no.1 – Asha Kisan Jadhav. 10% of the total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the applicant no.2 – Tejas Kisan Jadhav. 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 applicants shall give an undertaking before the Tribunal that they shall abide by the order that may be passed in the appeal.

8. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)