

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 54 OF 2018
WITH
CIVIL APPLICATION NO. 3987 OF 2016
AND
CIVIL APPLICATION NO. 2788 OF 2019
WITH
FIRST APPEAL NO. 54 OF 2018

ICICI Lombard General Insurance
Co. Ltd.

..Appellant/Applicants

v/s.

Nitin Arjun Mogare & Anr.

..Respondents

Ms. Dipika Prabhala I/b. Res. Juris for the Appellant in FA/54/2018 and for the Applicants in CAF/3987/2016 and for the Respondent in CAF/2788/2019.

Mr. Sachin Gite for the Respondent no.1 and for the Applicant in CAF/2788/2019.

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

P.C.

Civil application No. 3987 of 2016

1. The applicant herein has sought stay to execution and implementation of the impugned judgment and award dated 14.8.2015 passed by the learned Member of the MACT, Nashik in

MACP No. 831 of 2009. By the impugned judgment and award the Claims Tribunal has awarded compensation of Rs.1,67,144/- with interest @ 7.5% per anum from the date of judgment till realization.

2. The learned Counsel for the applicant states that the entire amount as per the impugned judgment and award has been deposited before the Claims Tribunal, Nashik. The said statement is not controverted. In the light of the said statement, execution and implementation of the impugned judgment and award is stayed till disposal of the appeal.

3. Civil Application stands disposed of.

CIVIL APPLICATION NO. 2788 OF 2019

4. By this application, the applicant-Original Claimants have sought withdrawal of the compensation amount deposited by the Insurance Company as per the judgment and award dated 14.8.2015 passed by the learned Member of the MACT, Nashik in MACP No. 831 of 2009.

5. By the impugned judgment and award, the MACT, Nashik, has directed the respondent-Insurance Company to pay an amount of

Rs.1,67,144/- to the claimants within interest at the rate of 7.5% per annum from the date of judgment till its realization.

6. The applicant has stated that he has suffered 50% permanent disability on account of the injuries sustained in the said accident. He further states that he is in need of money to meet his day to day expenses. Considering the reasons stated in the application as well as the grounds raised in the appeal memo, the applicant is allowed to withdraw 50% of the compensation deposited by the appellant-insurance company, along with appropriate interest accrued thereon. Suffice it to say that the applicant shall furnish an undertaking before the tribunal that he will abide by the final orders that may be passed in this appeal.

7. The MACT, to re-invest the balance amount in the name of the applicant, in any nationalized bank after making the payment as stated above.

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

9. Civil application stands disposed of.

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Issue notice to the respondent no.2 returnable after three weeks.

Private service is permitted.

Stand over to 4.9.2019.

(ANUJA PRABHUDESSAI, J.)