

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

**CIVIL APPLICATION NO.2296 OF 2019
IN
FIRST APPEAL NO.1124 OF 2018
WITH
FIRST APPEAL NO.1124 OF 2018**

Smt. Pamabai Shivaji Pawar and Ors. ...Applicant

In the matter between
Bajaj Allianz General Insurance Co. Ltd. ...Appellant

Versus

Smt. Pamabai Shivaji Pawar and Ors. ...Respondents

.....

Mr. Sarthak S. Diwan for the Appellant in FA/1124/2018 and for the Respondent in CAF/2296/2019.

Mr. Ghansham S. Jadhav for the Respondent Nos.1 to 3 and for the Applicant in CAF/2296/2019.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 26th AUGUST, 2019.

P.C.:-

ORDER IN CIVIL APPLICATION NO.2296 OF 2019:

By this application, the Applicants herein have sought withdrawal of the compensation deposited by the Appellant-Insurance Company pursuant to the judgment and award dated 24th July, 2018 passed by the learned Member, M.A.C.T., Baramati in M.A.C.P. No.261 of 2012.

2. By the impugned judgment and award compensation of Rs.8,95,012/- was granted to the Applicants alongwith interest @ 6% per annum from the date of application till its realization.

3. In view of the reasons stated in the application and also considering the grounds raised in the appeal memo, an amount of Rs.2,00,000/- alongwith proportionate interest accrued thereon is ordered to be paid to the Applicant No.1 and Rs.1,00,000/- with proportionate interest accrued thereon is ordered to be paid to the Applicant Nos.2 and 3 each. Suffice it to say that payment is subject to final outcome of the appeal. The Applicants shall give undertakings before the Tribunal that they will refund the amount in the event the Appellant succeeds in the appeal. Tribunal to reinvest the balance amount in any Nationalised Bank until further orders.

4. The application stands disposed of.

ORDER IN THE FIRST APPEAL NO.1124 OF 2018:-

5. Registry to call for the service report of the Respondent No.4 from the concerned court and list the appeal for admission on 23/9/2019.

(SMT. ANUJA PRABHUDESSAI, J.)