

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

**CIVIL APPLICATION NO.2286 OF 2019
IN
FIRST APPEAL NO.1122 OF 2018
WITH
FIRST APPEAL NO.1122 OF 2018**

Krishna Shankar Dhavre and Ors. ...Applicants

In the matter between

Bajaj Allianz General Insurance
Company Ltd. ...Appellant

Versus

Krishna Shankar Dhavre and Ors. ...Respondents

.....

Mr. Sarthak Diwan for the Appellant in FA/1122/2018 and for the Respondents in CAF/2286/2019.

Mr. Ghansham S. Jadhav for the Respondent Nos.1 to 4 and for the Applicant in CAF/2286/2019.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 26th AUGUST, 2019.

P.C.:-

The Applicants herein have sought withdrawal of compensation deposited by the Appellant-Insurance Company as per the judgment and award dated 29th May, 2018 passed by the learned Member, M.A.C.T., Baramati, District-Pune, in M.A.C.P. No.161 of 2011.

2. By the impugned judgment and award compensation of Rs.3,67,400/- was granted to the Applicants alongwith simple interest @ 9% per annum from the date of filing of the petition till its realization. Out of the said compensation, the Tribunal has ordered an amount of Rs.1,42,400/- with interest to be paid to the Applicant No.1 and Rs.75,000/- each with interest to be paid to the Applicant Nos.2 to 4.

3. The Applicant No.1 has stated that she is suffering from various ailments and requires money for medical treatment. Considering the reasons stated in the application and also considering the grounds raised in the appeal memo, compensation of Rs.70,000/- alongwith proportionate interest accrued thereon is ordered to be paid to the Applicant No.1 and compensation of Rs.35,000/- each with proportionate interest is ordered to be paid to the Applicant Nos.2 to 4 respectively. Suffice it to say that the 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 FIRST APPEAL NO.1122 OF 2018:-

5. Heard. Admit.

6. Paper book to be filed within a period of one year. Printing is dispensed with. Call for the record and proceedings. Mr. Ghansham Jadhav, the learned counsel waives service of notice on behalf of the Respondent Nos.1 to 4. Issue notice to the Respondent No.5.

(SMT. ANUJA PRABHUDESSAI, J.)

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