

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1452 OF 2019
IN
FIRST APPEAL NO. 509 OF 2018**

Madhavi Ashish Yadav and others ...Applicants.

In the matter between

United India Insurance Company Ltd.Appellant.

Versus

Madhavi Ashish Yadav and others.Respondents.

Ms.Varsha Chavan Advocate for the Appellant.

Mr. Advocate S.S.Butala & Associates . For the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 24th JUNE, 2019.**

P.C.:-

1. The learned counsel for the applicant states that during the pendency of this application, the applicant no. 5 has expired. He prays for deletion of his name. Leave granted. Necessary amendment to be carried out forthwith.

2. By this application the applicant has sought withdrawal of compensation awarded by MACT, Mumbai vide its judgment and award dated 16.08.2017 in MACP No. 1575/12.

3. By the impugned judgment and award, the MACT has awarded compensation of Rs. 52,87,500/- with interest at the rate of 7.5 % p.a. from the date of the application till final realization. The MACT has directed payment of 35% of the compensation with accrued interest to the Applicant no. 1 - widow and 15% each to the three minor children and 10 % each to the parents i.e. applicant nos. 5 and 6.

4. Considering that the children are minors, between the age group 4 to 9 years, I am not inclined to allow withdrawal of compensation awarded in favour of these three applicants.

5. For the reasons stated in the application and considering the grounds raised in the appeal memo. In my considered view and in the interest of justice, the applicant no. 1 is permitted to withdraw an amount Rs.10,00,000/- to applicant no.6 is permitted to withdraw Rs. 5,00,000/- with proportionate accrued interest. Withdrawal of the compensation is subject to the final outcome of the appeal. The applicants shall furnish an undertaking before the tribunal that they shall abide by the final orders that may be passed in this appeal.

6. Civil application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)