

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

**CIVIL APPLICATION NO. 2817 OF 2019
IN
FIRST APPEAL NO. 493 OF 2016**

Pallavi Vinayak Patil (Nangre) and ors.Applicants

In the matter between :-

HDFC Ergo General Insurance Co. Ltd.Appellant

V/s.

Pallavi Vinayak Patil (Nangre) and ors.Respondents

Mr. Akshay P. Shinde for the applicant and for respondent no.1
in First Appeal No.493/2016.

Mr. Abhijit P. Kulkarni for respondents/original appellants in
FA/493/2016.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 27th AUGUST, 2019**

P.C.:-

. By this application, the applicants have sought withdrawal of the
compensation awarded by the MACT, Islampur in MACP No.125/2011.

2. By the impugned judgment and award dated 01/01/2015, the
Claims Tribunal has awarded compensation of Rs.9,11,000/- from the
date of institution of the application till realization of the entire
compensation. Out of the said compensation, 70% is ordered to be
paid to the applicant no.1 who is the widow and 15% each to the
applicant nos.2 and 3 who are the parents of the deceased Vinayak
Dattajirao Patil. The applicants have stated that the deceased was the

sole earning member of the family. It is stated that the applicant nos.2 and 3 require money for their medical treatment. They have stated that they have no other source of income and they also need money for their day to day expenses.

3. Considering the reasons stated in the application and also grounds set out in the appeal memo, compensation of Rs.3,00,000/- along with proportionate interest is ordered to be paid to the applicant no.1 and Rs.50,000/- each along with proportionate interest is ordered to be paid to the applicant nos.2 and 3.

4. Suffice it to say that the payment / withdrawal of the compensation is subject to the final outcome of the appeal. The applicants shall give an undertaking to the Claims Tribunal, Islampur that they shall refund the amount with interest in the event the appellant – insurance company succeeds in the appeal. The Tribunal to re-invest the balance amount of compensation in any nationalized bank until further orders.

5. Civil Application No.2817 of 2019 stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)