

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

**CIVIL APPLICATION (ST.) NO. 16383 OF 2018
IN
FIRST APPEAL NO. 520 OF 2018**

Mandikini Bapusaheb Deshmukh & Ors. ...Applicants

In the matter between :-

Reliance General Insurance Co. Ltd. ...Appellant

V/s.

Mandikini Bapusaheb Deshmukh & Ors.Respondents

Mr. Rahul Mehta I/b. K.M.C. Legal Venture for the appellant.

Mr. S.S. Vidyarthi for respondent nos.1 to 3 and for the applicants
in CAST 16383/2018.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 06th FEBRUARY, 2019.**

P.C.:

. Heard the learned counsels for the respective parties.

2. By this application, the applicants have sought to withdraw the amount deposited by the appellant / insurance company before the MACT, Mumbai.

3. By the impugned judgment and award dated 12/09/2017 passed by the Member, MACT, Mumbai in Application No.102 of 2011, the Tribunal has awarded compensation of Rs.50,26,196/- inclusive of no fault liability with interest @ 8% per annum from the date of the application till its realization.

4. The appellant / insurance company has deposited an amount of Rs.78,98,863/- before the Claims Tribunal. Considering the defence raised by the appellant / insurance company, total amount of Rs.50,00,000/- (Rupees Fifty Lakhs) is ordered to be disbursed. Out of the said amount of Rs.50,00,000/-, Rs.25,000/- (Rupees Twenty Five Thousand) is ordered to be paid to the applicant no.4 - Namdevrao Bhaurao Deshmukh. Out of the balance Rs.49,75,000/-, Rs.7,46,250/- each shall be paid to the applicant nos.2 and 3 – Mandar and Dhananjay Bapusaheb Deshmukh and the remaining Rs.34,82,500/- shall be paid to the applicant no.1 – Mandakini Bapusaheb Deshmukh. The Tribunal to invest the balance amount of Rs.28,98,863/- with further interest accrued thereon in any nationalized bank till the disposal of the appeal.

5. It is made clear that the payment is subject to the final outcome of the appeal. The applicants shall give an undertaking before the Tribunal that they shall abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)