

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

**CIVIL APPLICATION NO. 934 OF 2019
IN
FIRST APPEAL (ST.) NO. 18713 OF 2017**

Nayanabai Balwant Bute & Anr.	Applicants
<u>In the matter between :-</u>	
The New India Assurance Co. Ltd. & Anr.	Appellants
V/s.	
Nayanabai Balwant Bute & Ors.	...Respondents

Ms. Poonam Mital for the applicant in CAF 3333/2017, CAF 3334/2017 and FAST 18713/2019 and for R.No.1 in CAF 434/2019.

Mr. Rajan S. Pawar for respondent nos.1 and 2 and for the applicant in CAF 934/2019.

Mr. Sudhir I. Nandode for R.No.3.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 06th MARCH, 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, Nashik.

3. By impugned judgment and award dated 03/12/2016 passed by the District Judge-8 and Member, MACT, Nashik in MACP No.764/2013, the Tribunal has awarded compensation of Rs.5,00,000/- with interest @ 6% per annum herein from the date of

petition till actual realization of the decretal amount.

4. Ms. Poonam Mital, learned counsel for the applicant / insurance company states that the applicant has deposited Rs.11,72,095/- before the MACT, Nashik which is inclusive of interest.

5. Considering the grounds raised in the appeal memo as well as the reasons stated in the application, 50% of the total compensation deposited by the Insurance Company is ordered to be paid to the applicant nos.1 and 2 in equal proportion. The Tribunal to re-invest the balance amount in any nationalized bank till the disposal of the appeal.

6. 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.

7. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)