

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

**CIVIL APPLICATION (STAMP) NO.21081 OF 2018
IN
FIRST APPEAL (STAMP) NO.534 OF 2017**

Kashinath Atmaram Pawar

...Applicant

Versus

Bharati Axa General Insurance
Company Ltd. and Anr.

...Respondents

.....

Mr. Nikhil Mehta I/b. M/s. KMC Legal Venture for the Applicant in CAF/2269/2017, CAF/2270/2017 and for the Appellant in FAST/534/2017 and for the Respondent No.1 in CAFST/21081/2018.
Mr. Sachin Kadam for the Respondent No.1 in CAF/2269/2017, CAF/2270/2017 and for the Appellant in FAST/534/2017 and for the Applicant in CAFST/21081/2018.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 22nd FEBRUARY, 2019.

P.C.:-

By this application, the Applicant has sought withdrawal of the compensation deposited by the Respondent-No.1-Insurance company pursuant to the judgment and award dated 23rd June, 2016 passed by the learned Member, M.A.C.T., Niphad District, Nashik, in M.A.C.P. No.54 of 2012.

2. Considering the grounds stated in the appeal, 50% of the

compensation deposited by the Respondent-Insurance Company is ordered to be paid to the Applicant (original claimant).

3. The learned Member, M.A.C.T., Niphad District, Nashik, to invest balance amount of compensation including the statutory deposit in any nationalised Bank until further orders.

4. It is made clear that the payment is subject to the final outcome of the appeal. The Applicant shall file an undertaking before the Tribunal that he will abide by the final order that may be passed in the appeal.

5. The civil application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)