

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

**CIVIL APPLICATION NO. 4020 OF 2016  
IN  
FIRST APPEAL NO.792 OF 2018**

Sabrunnisha Vakil Khan and ors. ....Applicants  
V/s.  
The New India Assurance Co. Ltd. and ors. ....Respondents

Mr. Amol Gatne for the applicant in CAF/4020/2016 and  
for the respondent nos.1, 3, 4, 5 and 6 in FA/792/2018.  
Mr. D.S. Joshi for the respondents in CAF/4020/2016 and for the  
for the appellant in FA/792/2018.  
Ms. Aditi M. Athawale i/b. Yogita Deshmukh for respondent no.9.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATED : 27<sup>th</sup> AUGUST, 2019**

**P.C.:-**

. By this application, the applicants have sought withdrawal of the compensation deposited by the appellant – insurance company in view of the judgment and award dated 23/12/2015 passed by the learned Member, MACT, Mumbai in Application No.82/2007.

2. By the impugned judgment and award, the Claims Tribunal has directed the appellant – insurance company to pay to the claimants compensation of Rs.3,56,000/- with interest @ 9% p.a. from the date of the application till actual realization.

3. The learned counsel for the applicant submits that the applicant

no.1 is a senior citizen. Further, the applicant nos.2 and 3 are of a marriageable age and applicant nos.4 and 5 are the minors. He submits that the applicants require money for meeting their day to day, educational and other miscellaneous expenses.

4. Considering the reasons stated in the application and the grounds raised in the appeal memo, compensation of Rs.35,000/- (Rupees Thirty Five Thousand) each is ordered to be paid to the applicant nos.1, 2 and 3 along with proportionate interest accrued thereon.

5. 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, Mumbai 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.

6. Civil Application No.4020 of 2016 stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**