

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

CIVIL APPLICATION NO. 1956 OF 2016
AND
CIVIL APPLICATION NO. 2293 OF 2019
IN
FIRST APPEAL NO. 828 OF 2016
WITH
FIRST APPEAL NO. 828 OF 2016

Bajaj Allianz General Insurance Co. Ltd. ..Appellant

v/s.

Shri Sukdev Shivram Thakare & Ors. ..Respondents

Mr. D.S.Joshi for the Appellant-in FA/828/2016 and for the Applicant in CAF/1956/2018 and for the Respondent in CAF/2293/2019.

Mr. Ranjan Pawar for the Respondent Nos.1 and 2 in FA/828/2016 and CAF/1956/2018 and for the Applicant in CAF/2193/2019..

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th AUGUST, 2019.**

P.C.

1. By this application the applicant-Insurance Company has sought to stay the execution and implementation of the impugned judgment and award dated 30.10.2015 passed by the MACT, Nashik in MACP No.1343 of 2011.

2. Mr. Joshi, the learned Counsel for the applicant states that entire compensation awarded by the MACT Nashik, along with interest has been deposited before the Claims Tribunal. The said statement is not controverted by the learned Counsel for the respondent nos.1 and 2-original claimants.
3. In the light of the said statement, execution of judgment and award dated 30.10.2015 passed by the MACT, Nashik, in MACP 1343 of 2011 is stayed till the disposal of the appeal.
4. Civil application stands disposed of.

CIVIL APPLICATION NO. 2293 OF 2019

5. By this application, the applicants, who are the Original Claimants have sought withdrawal of the compensation amount deposited by the Insurance Company before the Claims Tribunal, Nashik.
6. The applicants are the parents of the deceased. They have stated that they are agriculturist, and have no other source of income.
7. Considering the reasons stated in the application, as well as the

grounds raised in the appeal memo, the applicants-original claimants are allowed to withdraw 50% of the compensation alongwith proportionate interest accrued thereon. Suffice it to say that the withdrawal is subject to final outcome of the appeal.

8. The applicants shall furnish an undertaking before the Tribunal that they will abide by the final orders that may be passed in this appeal.

9. The MACT, to re-invest the balance amount in the names of the respective applicants, in any nationalized bank after making the payment as stated above.

10. Civil application stands disposed of.

FIRST APPEAL NO.828 OF 2016

11. Having heard the learned Counsel for the respective parties, in my considered view, arguable points are raised. Hence admit.

12. The learned Counsel for the respondent waives service on behalf of respondent nos.1 and 2. Issue notice to the respondent no.3.

13. The appellant to file private paper book within one year from

today with copy to the other side.

14. Printing dispensed with.

15. Registry to call for the record and proceedings.

Prasanna P. Salgaonkar

Digitally signed
by Prasanna P.
Salgaonkar
Date:
2019.08.21
13:49:12 +0530

(ANUJA PRABHUDESSAI, J.)