

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

**CIVIL APPLICATION NO. 3462 OF 2018
IN
FIRST APPEAL (ST.) NO. 23792 OF 2018**

National Insurance Co. Ltd.Appellant
V/s.
Meena Namdeo Bodake and ors.Respondents

**WITH
CIVIL APPLICATION NO. 2946 OF 2019
IN
FIRST APPEAL (ST.) NO. 23792 OF 2018**

Meena Namdeo Bodake and ors.Applicants

In the matter between :-

National Insurance Co. Ltd.Appellant
V/s.
Meena Namdeo Bodake and ors.Respondents

Mr. Rahul Mehta i/b. KMC Legal Venture for the applicant
in CAF/3462/2018 and for the appellant in FAST/23792/2018
and for the respondents in CAF/2946/2019.

Mr. Sarthak Diwan i/b. Mr. Akshay A. Kulkarni for respondent
nos.1 to 3 and for the applicant in CAF/2946/2019.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 27th AUGUST, 2019**

P.C.:-

ORDER IN CIVIL APPLICATION NO. 3462 OF 2018 :-

. The applicant herein has sought to condone the delay of 12 days
in filing the first appeal against the impugned judgment and award

dated 05/04/2018 passed by the Member, MACT, Kolhapur in MACP No.419/2014. The learned counsel for the respondent nos.1 to 3 who are the original claimants has no objection for condoning the delay.

2. In the light of said statement and in view of the reasons stated in the civil application, delay is condoned. Appeal be registered after removal of office objections, if any.

3. Civil Application No.3462 of 2018 stands disposed of.

ORDER IN CIVIL APPLICATION NO. 2946 OF 2019 :-

4. The applicant herein has sought withdrawal of the amount deposited by the respondent – insurance company pursuant to the judgment and award dated 05/04/2018 passed by the Member, MACT, Kolhapur in MACP No.419/2014.

5. By the impugned judgment, the Claims Tribunal has awarded compensation of Rs.13,30,000/- with interest @ 7% p.a. from the date of the application. Out of the said compensation, an amount of Rs.11,30,000/- with accrued interest is ordered to be paid to the applicant no.1 and the balance amount of Rs.2,00,000/- with accrued

interest is ordered to be paid to the applicant nos.2 and 3 equally.

6. The applicants have stated that the deceased was the sole earning member and that they have no other source of income. They stated that they require money to meet their day to day expenses and the educational expenses of the applicant nos.2 and 3.

7. Considering the reasons stated in the application as well as the grounds raised in the appeal memo, compensation of Rs.6,00,000/- with proportionate interest accrued thereon is ordered to be paid to the applicant no.1 – Meena Namdeo Bodake. Compensation of Rs.1,00,000/- with proportionate interest accrued thereon is ordered to be paid to the applicant nos.2 and 3 (*Manorama and Aditya Namdeo Bodake*) equally.

8. 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, Kolhapur 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.

9. Civil Application No.2946 of 2019 stands disposed of.

ORDER IN FIRST APPEAL (ST.) NO. 23792 OF 2018 :-

10. Mr. Sarthak Diwan, learned counsel waives service on behalf of respondent nos.1 to 3. Notice to respondent no.4 is already dispensed with. List the Appeal for 'admission' on 04/11/2019.

(SMT. ANUJA PRABHUDESSAI, J.)