

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

**CIVIL APPLICATION (ST.) NO. 32857 OF 2017
IN
FIRST APPEAL (ST.) NO. 32740 OF 2016**

Deepali Govinda Patil & Ors.	Applicants
In the matter between :-	
Bajaj Allianz General Insurance Co. Ltd.	Appellant
V/s.	
Deepali Govinda Patil & Ors.	Respondents

Mr. D.S. Joshi for the applicants in CAF 4728/16 and CAF 4729/16 and for the appellant in FAST 32740/2016 and for R.No.1 in CAFST 32857/2017.

Mr. J.J. Bardeskar for the applicant in CAFST 32857/2017 and for respondent nos.1 to 4 in FAST 32740/2016.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 27th FEBRUARY, 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, Kolhapur
3. By judgment and award dated 07/05/2016 passed by the Chairman, MACT, Kolhapur in MACP No.211 of 2012, the respondent / insurance company and the driver/owner of the offending

vehicle has been directed to pay to the applicants/claimants compensation of Rs.7,52,000/- inclusive of no fault liability with interest @ 7% p.a. from the date of the petition till the date of the payment.

4. The Tribunal has directed to pay 50% of the compensation to the claimant no.1, 15% each to the claimant nos.2 and 3 and 20% to the claimant no.4 being widow, children and the mother of the deceased. Pursuant to the order dated 30/11/2016 passed by this Court in Civil Application No.4778/2016, the Insurance Company has deposited an amount of Rs.9,22,001/-.

5. The applicant nos.2 and 3 are minors and hence, in order to protect their interest, I am not inclined to allow withdrawal of the amount on their behalf. Considering the grounds stated in the application and appeal, 30% of the total compensation is ordered to be paid to the claimant no.1/applicant no.1 and 15% of the total compensation shall be paid to the claimant no.4/applicant no.1. The Tribunal to reinvest 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.)