

CIVIL APPLICATION NO.2128 OF 2017
WITH
CIVIL APPLICATION NO.3179 OF 2018
IN
FIRST APPEAL(STAMP) NO.34885 OF 2016

Versus

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Mr. Kalpesh Patil for the Appellant.
Mr. Sarthak S. Diwan for the Respondent No.3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 1st OCTOBER, 2019.

PC.:-

ORDER IN CIVIL APPLICATION NO.2128 OF 2017:-

The Applicants herein have sought to condone the delay of 271 days in filing the Appeal against the judgment and award dated 23rd March, 2016 passed by the learned Member of the Claims Tribunal, Pune, in M.A.C.P No.946 OF 2009.

2. In the light of the reasons stated in paragraph 7 of the application, the delay is condoned. The application is allowed. The Appeal be registered subject to removal of the office objections and

payment of cost of Rs.5,000/- to be paid to the Juvenile Justice Fund.

ORDER IN CIVIL APPLICATION NO.3179 OF 2018:-

3. By this application, the Applicants have sought withdrawal of compensation deposited by the Respondent No.3-Insurance Company in compliance with the impugned judgment and order dated 23rd March, 2016.

4. By the impugned judgment and award the Applicants/Claimants have been awarded compensation of Rs.6,72,967/- out of which 35% compensation is to be paid to the Applicant No.1 and 25% compensation each to the minor Applicant Nos.2 and 3 and 15% compensation to the mother of the deceased. The learned counsel for the Respondent No.3 states that the entire compensation has been deposited before the Claims Tribunal. He states that challenge in the appeal is only to the quantum of compensation.

5. Having considered the reasons stated in the application and grounds raised in the Appeal, in my considered view 18% of the total compensation alongwith proportionate interest accrued thereon is

ordered to be paid to the Applicant No.1 and 7% of the total compensation alongwith proportionate interest is to be paid to the Applicant No.4. Balance compensation be invested in any Nationalised Bank until further orders.

6. The application stands disposed of.

ORDER IN FIRST APPEAL (STAMP) NO.34885 OF 2016:-

7. Since the challenge is only to the quantum of compensation, the learned counsel for the Appellant and the Respondent No.3 to make an endeavour to settle the matter amicably. Appeal be listed on **11/11/2019** under the caption of 'settlement'.

**Megha
Parab**

Digitally signed
by Megha Parab
Date: 2019.11.04
12:18:32 +0530

(SMT. ANUJA PRABHUDESSAI, J.)