

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

**CIVIL APPLICATION NO. 4411 OF 2018
IN
FIRST APPEAL (ST.) NO. 2027 OF 2015**

Bharat Damodar Satwe & Anr.Applicants

In the matter between :-

The New India Assurance Co. Ltd.Appellant

V/s.

Bharat Damodar Satwe & Anr.Respondents

Ms. Pooja Yadav for the applicant in CAF 341/2016 and CAF 342/2016
and in FAST 2027/2018 and for respondent in CAF 4411/2018.

Mr. T.J. Mendon for respondent no.1 and for the applicant
in CAF 4411/2018.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 01st MARCH, 2019.**

P.C.:

. Heard the learned counsels for the respective parties.

2. By this application, the applicant has sought to withdraw the
amount deposited by the appellant / insurance company before the
MACT, Mumbai.

3. By judgment and award dated 17/06/2014 passed by the
Member, MACT, Mumbai in Application No.1887 of 2008, the
Tribunal has awarded compensation of Rs.4,45,089/- with interest @

6% per annum to the respondents herein from the date of filing of petition till realization of the amount.

4. The challenge of the respondent /insurance company is restricted to the quantum of the compensation awarded by the Tribunal. Having considered the grounds raised in the appeal, 50% of the total compensation deposited by the insurance company alongwith proportionate interest accrued thereon is ordered to be paid to the applicant – Bharat Damodar Satwe. The Tribunal to invest the balance amount in any nationalized bank till the disposal of the appeal.

5. It is made clear that the payment is subject to the final outcome of the appeal. The applicant shall give an undertaking before the Tribunal that he shall abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)