

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

**CIVIL APPLICATION NO. 4471 OF 2018
IN
FIRST APPEAL NO. 733 OF 2018**

Dhananjay Vilas Tajane

....Applicant

In the matter between :-

New India Assurance Co. Ltd.

....Appellant

V/s.

Dhananjay Vilas Tajane & Ors.

....Respondents

Ms. Poonam Mital for the appellant in FA 733/2018 and
for the respondent in CAF 4471/2018.

Mr. T.J. Mendon for R.No.1 in FA 733/2018 and for the applicant
in CAF 4471/2018.

**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 07/10/2017 passed by the
Member, MACT, Mumbai in Application No.225 of 2011, the Tribunal
has awarded compensation of Rs.2,96,949/- inclusive of no fault

liability, with interest @ 7.5% per annum to the applicant herein from the date of application till its realization.

4. The learned counsel for the respondent / insurance company submits that the insurance company has deposited Rs.4,07,925/- which is inclusive of interest before the MACT, Mumbai.

5. Having considered the reasons stated in the application as well as the grounds raised in the appeal, 50% of the total compensation along with proportionate interest accrued thereon is ordered to be paid to the applicant – Dhananjay Vilas Tajane. The Tribunal to invest 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 applicant shall give an undertaking before the Tribunal that he shall abide by the order that may be passed in the appeal.

7. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)