Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.855 OF 2021

IN

FIRST APPEAL [STAMP] NO.93981 OF 2020

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Shaheda Naim Pirjade and another.	**]**	**Applicants**
Vs.		
Divisional Manager,	**]**	
The New India G.I.C Ltd and another.	**]**	**Respondents**
<u>IN THE MATTER BETWEEN</u>:		
Divisional Manager,	**]**	
The New India G.I.C Ltd and another.	**]**	**Appellants**
Vs.		
Shaheda Naim Pirjade and another.	**]**	**Respondents**

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Mr. Pritesh K. Bhohade, for Applicants.

Ms. D. Shalini Shankar, for Respondent No.1-Insurer.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 5th APRIL, 2021.

P.C:

1. This is an application seeking withdrawal of the amount of compensation deposited by the respondent-insurer under Award dated 6th February, 2019 passed by the learned Member, M.A.C.T, Nashik in M.A.C.P. No.1254 of 2013.

2. Heard Mr. Bohade, learned Counsel for the applicants.

3. Learned Counsel for the applicants submits that it is a fatal accident in which applicant No.1 lost her son and applicant No.2 lost her brother. It is submitted that the deceased was the only breadwinner of the family and it has been seven years ever since the accident took place, the applicants have not received anything.

4. Learned Counsel for the respondent-insurer objects for withdrawal of the amount of compensation by stating that the respondent-insurer has a good case on merits.

5. Considering the reasons stated in the application, the applicants are permitted to withdraw 70% of the amount of compensation with accrued interest deposited by the respondent-insurer upon furnishing an undertaking at the time of withdrawing the amount before the Tribunal that if the respondent-insurer succeeds in the appeal, they will refund the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

6. If the applicants do not file an undertaking at the time of withdrawing the amount of compensation, the amount deposited by the respondent-insurer shall be invested by the M.A.C.T in the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining an order from this Court.

7. If 70% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]