

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1116 OF 2021
IN
FIRST APPEAL NO.1196 OF 2015

Susan Jose and Others ...Applicants
vs.
The National Insurance Company Limited ...Respondent

Mr. C.M. Lokesh i/b. Mr. G.S.Hegde, for the Applicant Nos. 1 to 3.
Ms. S.S. Dwivedi, for the Respondent

CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 22, 2021

P.C.:

- . Heard the learned counsel for the parties.
2. This is an application for withdrawal of the amount of compensation deposited by the appellant/insurer in terms of the award dated 14th October, 2015 in MACP No.1050 of 2009 passed by the learned Member, MACT, Pune.
3. The learned counsel for the insurer resisted the prayer for withdrawal.
4. There are averments in the application in justification of the prayer for withdrawal. The concern of the insurer/appellant can be taken care of by allowing the applicants to withdraw a portion of the amount subject to furnishing an undertaking to bring back the amount in the event the appeal is allowed. Hence, the following order.

ORDER

- 1] The application stands partly allowed.
- 2] The original applicant Nos. 1 to 3 are permitted to withdraw 50% of the compensation amount falling to the share to the applicant Nos. 1 to 3, deposited by the appellant/insurer along with interest accrued therein, subject to furnishing an undertaking before the Tribunal to bring back the said amount along with interest at such rate as may be determined by this Court, in the event the appeal is allowed and it is held that the applicants are not entitled to compensation.
- 3] The application accordingly stands disposed of.
- 4] All concerned to act on an authenticated copy of this order.

(N. J. JAMADAR, J.)