

Chitra Sonawane

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

**CIVIL APPLICATION NO.3164 OF 2015
IN
FIRST APPEAL [STAMP] NO.7631 OF 2013**

Kamal Dattaram @ Dattatraya Vende & Ors.] ... Applicants.

IN THE MATTER BETWEEN:

United India Insurance Co.Ltd.] ... Appellant.

Vs.

**Kamal Dattaram @ Dattatraya Vende]
& Others] Respondents.**

.....

Mr.T.J.Mendon, Advocate for applicant in CA No.3164/2015 and respondents in FA (St) no.7631/2013.

Miss Varsha Chavan, Advocate for appellant in FA(st.)7631/2013 and for respondent in CA no.3164/2015.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 11TH FEBRUARY, 2021.

P.C.

1. This is an application by the claimants for withdrawal of an amount of compensation deposited by the appellant/insurer.
2. Heard Mr.T.J.Mendon, the learned Counsel for the claimants.
3. Learned Counsel for the appellant objects withdrawal of

amount. However, considering the reasons stated in paragraph 4 of the application, the claimants are permitted to withdraw 50% of the amount of compensation, with accrued interest. The claimants shall give an Undertaking before MACT, Mumbai that in case, the appeal succeeds, they will refund the amount with the interest, subject to outcome of appeal.

4. After withdrawal of 50% of the amount, balance amount shall be invested in a Fixed Deposit in any Nationalized Bank, for a period of one year and thereafter for one more year, after obtaining order from this Court.

5. The application is disposed of.

6. Statutory deposit of Rs.25,000/- be transferred to MACT, Mumbai.

(PRITHVIRAJ K. CHAVAN, J.)