

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4057 OF 2021
IN
FIRST APPEAL NO. 533 OF 2021

Lata Nagnath Chapre And Ors. ...Applicants

IN THE MATTER BETWEEN :-

Future General India Insurance Co. Ltd., Pune ...Appellant

Versus

Lata Nagnath Chapre And Ors. ...Respondents

Ms. Sunita Manna i/by S. R. Singh & Co. for the Appellant and
Respondent in I.A.

Mr. Sandeep R. Waghmare, for the Applicant in I.A.

CORAM : N. J. JAMADAR, J.

DATE : 20th DECEMBER, 2021.

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred seeking permission to withdraw the amount of compensation deposited by the appellant-insurer in terms of judgment and award in Special M.A.C.P. No.29 of 2010, dated 31st October, 2012, passed by learned Member, MACT Pune. The applicant No.1 is the wife of the deceased and applicant Nos. 2 & 3 are the sons of the deceased. The applicants claim that they require the amount to meet the necessities of life. This claim of the applicant can hardly be contrasted.

3. As the accident had occurred on 29th November, 2009 and the claimants have yet not reaped the fruits of the award, it

may be expedient to allow the applicants to withdraw 60% of the amount of compensation along with interest accrued thereon falling to their respective shares in terms of the impugned judgment and award, subject to furnishing usual undertaking before the tribunal. Hence, the following order :-

ORDER

1. The application stands partly allowed.
2. The applicants-original claimant Nos. 1 to 3 are permitted to withdraw 60% of the amount of compensation along with the interest accrued thereon, falling to their respective shares, in terms of the Judgment and Award in Special M.A.C.P. No.29 of 2010, dated 31st October, 2012, passed by learned Member, MACT Pune, subject to furnishing an undertaking before the tribunal, to bring back the said amount along with the interest at such rate as may be decided by this Court in the event the appeal is allowed and it is held that the applicants are not entitled to pay the compensation.
3. Interim Application stands disposed of.

(N. J. JAMADAR, J.)