

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

**CIVIL APPLICATION NO. 2914 OF 2018
IN
FIRST APPEAL NO. 535 OF 2020**

Mr. Bhima Dnyanoba Gaikwad
and anr.

<u>In the matter between :-</u>	 Applicants
Bajaj Allianz General Insurance Company Limited	 Appellant
v/s.	
Bhima Dnyanoba Gaikwad and ors.	 Respondents

**WITH
CIVIL APPLICATION NO.3506 OF 2017
IN
FIRST APPEAL NO. 535 OF 2020
WITH
FIRST APPEAL NO. 535 OF 2020**

Bajaj Allianz General Insurance Company Limited	 Appellant/Applicant
v/s.	
Bhima Dnyanoba Gaikwad and ors.	 Respondents

Mrs. Rina Kundu for the Applicants.
Mrs. Yogita Deshmukh Chitnis for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th JUNE, 2021.

P. C. :-

ORDER IN CIVIL APPLICATION NO.2914 OF 2018 :-.

. The Applicants who are the Original Claimants have filed this

Application for withdrawal of compensation deposited by the Appellant – Insurance Company as per the judgment and award dated 09/02/2017 passed by the learned Member, Motor Accident Claim Tribunal, Thane in M.A.C.P. No.0100503/2014. By the impugned judgment, the Claims Tribunal has awarded compensation of Rs.8,53,565/- with interest @ 8% to the Applicants/Claimants who are the parents of the deceased-Vijay Bhima Gaikwad due to injuries sustained in a motor vehicular accident on 08/12/2013.

2. The Applicants have claimed that they have no regular source of income and they are in need of money for their day-to-day expenses. Having gone through the records and also the reasons stated in the Application, the Applicant Nos.1 and 2 are permitted to withdraw 50% of the compensation with proportionate interest accrued thereon. Suffice it to say that that the withdrawal shall be subject to the final outcome of the Appeal. The Applicants shall give an undertaking before the Tribunal that they shall abide by the order that may be passed in the Appeal.

3. Civil Application No.2914 of 2018 stands disposed of.

ORDER IN CIVIL APPLICATION NO.3506 OF 2017 :-

4. Not on board. With consent, taken on board.
5. Learned counsel for the Appellant states that the entire amount has been deposited before the Tribunal. In the light of said statement, execution and implementation of the impugned judgment and award dated 09/02/2017 is stayed till the disposal of the Appeal.
6. Civil Application No.3506 of 2017 stands disposed of.

ORDER IN FIRST APPEAL NO.535 OF 2020 :-

7. Not on board. With consent, taken on board.
8. Mrs. Rina Kundu, learned counsel waives service on behalf of Respondent Nos.1 and 2. In view of order dated 11/03/2020 in IA/1/2019, issue notice to Respondent No.3, returnable on **23/07/2021**. Private service is permitted.

(SMT. ANUJA PRABHUDESSAI, J.)