

Santosh

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

**CIVIL APPLICATION NO. 4424 OF 2018
IN
FIRST APPEAL NO. 288 OF 2019**

**SANTOSH
SUBHASH
KULKARNI**

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SANTOSH SUBHASH
KULKARNI
Date: 2021.10.12
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Mohan Rajaram Raut	...Applicant
In the matter between	
The New India Assurance Co. Ltd.	...Appellant
Versus	
Mohan Rajaram Raut and ors.	...Respondents

Mr. Bhalchandra Shinde, for the Applicant/Respondents.
Mr. Milind More, for the Respondent/Appellant.

CORAM: N. J. JAMADAR, J.

DATED : 11th OCTOBER, 2021

PC:-

1. Heard Mr. Shinde, the learned Counsel for the applicant and Mr. More, the learned Counsel for the respondent – original opponent no.5.
2. This application is preferred to withdraw the amount deposited by the applicant - insurer in terms of the award in MACP No.47/2013, dated 15th June, 2017, passed by the Member, MACT, Baramati.
3. The learned Counsel for the applicant submits that the other insurer, namely, TATA AIG – original opponent no.2, has deposited the entire amount of compensation Rs.90,000/- alongwith interest accrued thereon and the said amount has

been withdrawn by the applicant as the said insurer has not preferred appeal against the impugned award.

4. The learned Counsel for the respondent – original opponent no.5 submits that the applicant be permitted to withdraw a portion of the amount subject to certain conditions so as to secure the interest of the appellant – insurer.

5. Having regard to the quantum of the compensation awarded by the Tribunal and the fact that the applicant has already withdrawn the amount of compensation deposited by the other insurer – TATA AIG, it may be expedient to allow the applicant to withdraw 75% of the amount deposited by the appellant – The New Indian Assurance Co. Ltd. (original opponent no.5) alongwith interest accrued thereon, subject to furnishing an undertaking, before the Tribunal, that, in the event the appeal is allowed, the applicant will bring back the said amount alongwith interest thereon at such rate as may be directed by the Court.

6. The application stands partly allowed in the aforesaid terms.

[N. J. JAMADAR, J.]