

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

**CIVIL APPLICATION NO. 294 OF 2020
IN
FIRST APPEAL (ST.) NO. 30654 OF 2018**

Mr. Shailesh Keshav Bhav and anr. Applicants

In the matter between :-

The New India Assurance Co. Ltd. and anr. Appellant

v/s.

Shailesh Keshav Bhav and ors. Respondents

Ms. Poonam Mital for the Appellant.

Ms. Kiran Yadav i/b. Avinash Gokhale for original
claimant nos.1 and 2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JULY, 2022.

P. C. :-

. The Applicants who are the original claimants have sought withdrawal of the compensation deposited by the Appellant – Insurance Company as per the judgment and award dated 22/03/2018 passed by the MACT, Thane in MACP No.1046/2010. By the impugned judgment, the Claims Tribunal has awarded total compensation of Rs.13,26,000/-.

2. Having considered the reasons stated in the Application and the

grounds raised in the Appeal memo, the Applicants/original claimants are permitted to withdraw 50% of the compensation with proportionate interest accrued thereon.

3. The Applicants shall give an undertaking to the Claims Tribunal, Thane that they shall refund the amount with interest in the event the Appellant-Insurance company succeeds in the Appeal. The Tribunal to re-invest the balance amount of compensation in any nationalized bank until further orders.

4. Civil Application stands disposed of.

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(SMT. ANUJA PRABHUDESSAI, J.)