

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

**INTERIM APPLICATION NO.3541 OF 2022
IN
FIRST APPEAL NO.1149 OF 2016**

Mohan Dyaneshwar Paramane and
Anr.

..Applicants

Versus

National Insurance Company Ltd.
Ors.

...Respondents

.....

Mr. Yash Naik h/f. Mr. Vaibhav R. Gaikwad for the Applicants.
Smt. Urmila K. Sanil for Respondent- Insurance Compnay.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 9th JUNE, 2022.

P.C.:-

1. By this application, the Applicants have sought to withdraw 20% of the compensation, which was allowed to be withdrawn by order dated 18/10/2016.

2. Perusal of the records reveal that by the impugned judgment dated 15/05/2014 the Claims Tribunal has awarded compensation of Rs. 13,21,000/- in favour of Applicant Nos.1 and 2 with interest @ 7% p.a. from the date of application till final realisation. The Applicants are the parents of the deceased. It is stated

that they have not been able to furnish bank guarantee and therefore there were not able to withdraw the compensation as per the order dated 18/10/2016.

3. Having considered the reasons stated in the application as well as the grounds raised in the appeal memo, in my considered view order dated 18/10/2016 needs to be modified to the extent that the Applicant Nos.1 and 2 are permitted to withdraw 20% of the compensation on furnishing undertaking that in the event the Appellant-Insurance Company succeeds in the appeal, they shall refund the money with interest.

4. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)