

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

**INTERIM APPLICATION NO. 1373 OF 2020
IN
FIRST APPEAL (ST.) NO. 32267 OF 2016**

1. Smt. Malini Shivdas Khade (deceased)
2. Shri. Anil Shivdas Khade and ors. Applicants

In the matter between :-

National Insurance Company Limited Appellant
v/s.

1. Smt. Malini Shivdas Khade (deceased)
2. Shri. Anil Shivdas Khade and ors. Respondents

Ms. Amrin Khan i/b. Mr. A.M. Gokhale for the Applicants.
Mr. Sanjay Krishnan i/b. Harshada Rane for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 01st JULY, 2022.

P. C. :-

1. By this Application, the Applicant Nos.2, 3 and 4 who are the Original Claimant Nos.2, 3 and 4 have sought withdrawal of the amount deposited by the Appellant – Insurance Company as per the impugned judgment and award passed by the Member, MACT, Pandharpur in Motor Accident Claim Petition No.75/2004.

2. Having considered the reasons stated in the Application and the grounds raised in the Appeal memo, 50% of the compensation along

with proportionate interest accrued thereon is ordered to be paid to the Applicant Nos.2, 3 and 4.

3. The Applicants shall file an undertaking before the Claims Tribunal, Solapur 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 FDR in any nationalized bank until further orders.

4. Interim Application stands disposed of.

**PREETI
H JAYANI**

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(SMT. ANUJA PRABHUDESSAI, J.)