

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

INTERIM APPLICATION NO. 16759 OF 2022
IN
FIRST APPEAL (ST) NO. 16497 OF 2021
WITH
FIRST APPEAL (ST) NO. 16497 OF 2021

Ratna Vishwas Baviskar & Ors. ..Applicants

v/s.

Cholamandalam MS General Insurance
Company Ltd. ..Respondents

Mr. Yogendra Pendse a/w. Shraddha Chavan for the Applicant.
Ms. Gargi Warunjikar i/b. Nitesh Bhutekar for the Respondent-Appellant

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 25th JULY, 2022.**

P.C.

1. By this application, the Applicant has sought withdrawal of the compensation deposited by the Appellant Insurance Company.
2. By Order dated 6.4.2022, this Court had stayed execution and implementation of the impugned judgment subject to deposit of the entire amount along with interest till 31.3.2022.
3. Learned Counsel for the Respondent- Appellant states that in compliance of the stay order, entire compensation along with interest till 31.03.2022 has been deposited. The said statement is disputed by the learned Counsel for the Applicant-Original Claimant. He states that the entire compensation with interest component has not been deposited.

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Appellant to furnish the calculation chart on or before the next date and deposit the deficit amount, if any, within four weeks.

4. Applicantt-Claimant being the widow, children and aged parents of the deceased have been awarded compensation of Rs.65 lakhs with interest. A perusal of the impugned judgment reveals that the deceased who was 37 years of age, was in permanent employment of police department, and was earning Rs.32,122/- per month. Considering the age of the deceased the Tribunal has added 50% towards future prospects, and upon applying multiplier of 15 and deducting 1/4th towards personal expenses assessed loss of dependency at Rs.43,36,380/-. The Tribunal has awarded total compensation of Rs.65,89,570/-.

5. Considering the reasons stated in the application and the grounds raised in the appeal memo, Applicants are permitted to withdraw 50% of the compensation subject to an undertaking that the amount will be deposited with interest, in the event the appellant succeeds in the appeal.

6. Civil application stands disposed of.

7. At the request of learned Counsel for the respective parties, Appeal is referred to Lok Adalat, scheduled to be held on 13.08.2022.

(ANUJA PRABHUDESSAI, J.)