

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 584 OF 2015

IN

FIRST APPEAL NO. 5 OF 2009

SHRI. DAMODAR PEDNEKAR.

... Applicant

Versus

SHRI. UMAKANT NAIK AND ANR.,

... Respondents

Ms. S. Sawant holding for Ms. Asha A. Desai, Advocate for the applicant.

None for respondent no.1.

Ms. S. Mordekar, Addl. Government Advocate for respondent no.2.

Coram:- K. L. WADANE, J.

Date:- 28th September, 2015

P.C.

Heard Ms. S. Sawant, learned counsel appearing for the applicant and Ms. S. Mordekar, learned Addl. Government Advocate appearing for respondent no.2.

2. The present application is filed by the applicant for withdrawal of money. The respondent no.1 herein filed a Claim Petition No.83/2005 for the compensation under Section 166 of the Motor Vehicles Act and after hearing the parties, the learned Presiding Officer of the Motor Accident Claims Tribunal, Panaji, by judgment and order dated 21.08.2008 allowed the petition partly and the compensation of Rs.61,000/- was granted to respondent no.1.

3. Being aggrieved with the same, the present applicant has preferred First Appeal No.5/2009 before this Court and by judgment and order dated 19.09.2014, the judgment and award passed by the Presiding Officer of the Motor Accident Claims Tribunal was quashed and set aside.

4. At the time of the presentation/admission of the First Appeal, the present applicant had deposited an amount of Rs.25,000/- before this Court on 09.01.2009.

5. In view of the order passed in the First Appeal, the applicant wants to withdraw the aforesaid amount. None present for respondent no.1. The learned Addl. Government Advocate appearing for respondent no.2 has no objection to allow the application. Hence, the application is allowed. The applicant is permitted to withdraw an amount of Rs.25,000/- which he had deposited before this Court at the time of presentation/admission of the appeal.

6. The application stands disposed of accordingly.

K. L. WADANE, J.

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