

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 1908 OF 2015
IN
FIRST APPEAL NO. 314 OF 2010**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Jessy Joseph i/b Suresh Sabrad for the applicant.

Ms. Avanti Inamdar h/f Rameshwar Gite for the respondent.

CORAM : K. K. TATED, J.

DATED : 03/02/2016

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by claimant for withdrawal of amount deposited by the Appellant, pursuant to the order passed by this Court on 15.04.2010 in Civil Application No. 662 of 2010.

3 The learned counsel for the applicant submits that in accident which occurred on 09.05.2001, applicant sustained several injuries. She submits that applicant sustained 30% disability. Hence, applicant filed claim petition under Section 166 of M.V. Act for compensation of Rs.3,00,000/-. She submits that considering the evidence on record, the Tribunal held that the applicant claimant is entitled

to sum of Rs.1,14,135/- with 9% interest per annum by way of compensation. She submits that applicant may be allowed to withdraw the amount deposited by the Appellant.

4 On the other hand, the learned Counsel for the Appellant vehemently opposed the present Civil Application. She submits that if entire amount is withdrawn by the applicant, nothing will survive in the present First Appeal. She submits that applicant be directed to provide the bank guarantee for withdrawal of amount.

5 Considering the submissions made by the learned Counsel for the Applicant and averments made in Civil Application, I am satisfied that applicant has made out case for allowing him to withdraw sum of Rs.58,000/- with accrued interest if any by furnishing solvent security to the satisfaction of the Tribunal.

6 Hence, following order is passed:

a) Civil Application is allowed in terms of prayer clause (b), which reads thus:

“b) This Hon'ble Court be pleased to permit the Applicant to withdraw the amount of Rs.58,000/- deposited by the Appellant in the above First Appeal before this Hon'ble Court.”

b) Applicant to provide solvent security to the satisfaction of the Registry of this Court for withdrawal of said amount.

c) Civil Application is disposed of accordingly.

(K.K.TATED, J.)