

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1193 OF 2015

Smt. Rekha w/o. Raju Gaikwad & Ors. ... Appellants
Vs.
Harikesh Rajdeo Saroj & Anr. ... Respondents

Mr. Vijay Killedar, Advocate for the appellants.
Mr. Sanjay Krishna a/w. Ms. Harshada Rane, Advocate for respondent no. 2.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **3rd FEBRUARY, 2016**

P.C.:

Admit. By consent, the Appeal is heard and decided finally at the stage of admission.

2. In this Appeal, the order dated 20th October, 2010 passed by the learned Member, Motor Accident Claims Tribunal, Solapur is challenged only on a limited point that the interest is awarded not from the date of Application but from the date of judgment and award if the amount is not deposited within 60 days.

3. The learned counsel for the respondent/insurance company submitted that the entire amount of award along with interest accrued thereon is deposited within 60 days.

4. In view of this, the order is required to be modified that rate of interest is payable from the date of Application. The order of the Appellate Court is modified to that extent and the Appeal is allowed.

5. The learned counsel for the appellants submitted that the insurance company has deposited the principal amount of Rs.9,52,932/- and the said amount is already withdrawn by the appellants/original claimants, however, the interest @ 9% thereon, i.e. Rs.3,97,544/- is deposited along with the principal amount and the said amount is not withdrawn.

6. Appellant no. 1 is allowed to withdraw an amount of Rs.2,25,000/- out of interest amount of Rs.3,97,544/- and the remaining amount is allowed to be withdrawn by appellant nos. 5 and 6.

7. First Appeal is disposed of.

(MRIDULA BHATKAR, J.)