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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 217 OF 2012
WITH
CIVIL APPLICATION No. 194 OF 2017

Suresh Vitthal Ghadshi ... Appellants
Vs.
ICICI Lombard General Insurance Co. Ltd. ... Respondent

Mr. Nikhil Mehta I/b KMC Leval Venture, for Appellant / Respondent
No. 1 in CAF. 194/2017.

Mr. Abhijeet Naik I/b R. P. Khobragade, for the Applicants in CAF.
194/2017.

Mr. D. R. Mahadik, for the Respondent No. 6.

CORAM : V. M. DESHPANDE, J.

DATE : JUNE 18, 2018

PC :-

1. Issue fresh notice to Respondent Nos. 2 and 3 for final hearing R/o. 13.8.2018. Learned counsel Mr. Abhijeet Naik waives notice for Respondent No. 1 and the learned counsel Mr. D. R. Mahadik waives notice for Respondent No. 6.

2. Learned counsel Mr. Mehta, appearing for the Appellant submits that amount of Rs. 25,000/- deposited by the Appellant-Insurance Company in this Court be transferred to the Motor Accident

Claims Tribunal, Ratnagiri. Since the decretal amount is already deposited by the Insurance Company before the Tribunal, the prayer is just. Registry is directed to transfer amount of Rs. 25,000/-, deposited by the Appellant Insurance Company in this Court to the Motor Accident Claims Tribunal, Ratnagiri.

3. Civil Application No. 194 of 2017 is taken out by the original claimant Suresh Ghadashi for withdrawal of the amount deposited by non-applicant in the first appeal. Learned counsel for non-applicant – Insurance Company states that amount of Rs.2,83,283/- alongwith costs and interest is already deposited before the Tribunal. This application is for withdrawal of the said amount.

4. Today, the Court has issued notice of final disposal of the appeal. However, in order to meet the ends of justice, present application is allowed in part. The Applicant Suresh Ghadashi shall be entitled to withdraw amount of Rs.1,00,000/- out of the amount so deposited by the non-applicant Insurance Company before the Tribunal. Civil application is accordingly disposed of.

Sd/-
[V. M. DESHPANDE, J.]