

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

**CIVIL APPLICATION (STAMP) NO.1893 OF 2018
IN
FIRST APPEAL (STAMP) NO.26997 OF 2017**

Amol Pandurang Kadam	...Applicant
Versus	
Kishor Kundanmal Jain & Anr.	...Respondents

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Mr. Kishor Hase for the Applicant and Respondent No.1 in FAST/26997/2017.

Mr. Rajesh Kanojia i/b. M/s. Res Juris for the Respondent No.2 and Appellant in FAST/26997/2017.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 21st MARCH, 2018.

P.C.:-

The Applicant had filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 and by judgment and award dated 18.4.2017 the Motor Accident Claims Tribunal, Mumbai awarded compensation of Rs.37,32,000/- with interest at the rate of Rs.9% per annum from the date of filing of the application till entire realization of the amount in full. The Respondent No.2-Insurance Company has already deposited an amount of Rs.53,62,918/- before the M.A.C.T., Mumbai, which is inclusive of interest. By this application, the Applicant has sought payment of aforesaid amount.

2. Having perused the impugned judgment as well as grounds raised in the appeal memo, in my considered view, at this stage the Applicant is entitled to withdraw 50% of compensation. Hence, 50% of total compensation alongwith proportionate interest thereon is ordered to be paid to the Applicant.

3. It is made clear that aforesaid payment of 50% compensation is subject to final outcome of the appeal. The Applicant shall give undertaking before the Tribunal that he shall abide by the order that may be passed in the appeal.

4. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)