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

**CIVIL APPLICATION NO. 4878 OF 2016
IN
FIRST APPEAL NO. 682 OF 2018**

The New India Assurance Co.Ltd. ...Applicant/Appellant
vs
Mohan Baburao Divekar & Anr. ...Respondents
.....
Ms Poonam Mittal for the Applicant/Appellant.
Mr T.J.Mendon for Respondent No.1.

.....
**CORAM : K.K.TATED, &
B.P.COLABAWALLA, JJ.
JUNE 29, 2018.**

P.C. :

Heard learned counsel for parties.

2 Ms Mittal, learned advocate appearing for the applicant submits that as per order dated 15th December, 2016 passed by this Court, by mistake they deposited sum of Rs.26,17,861/- in the office of the Sheriff, Mumbai instead of Motor Accident Claims Tribunal, Mumbai. She submits that in the interest of justice, this Court may be pleased to direct the Sheriff, Mumbai to transfer the said amount to the Motor Accident Claims Tribunal, Mumbai in the account of Application MACP No.1898 of 2008.

3 Considering submissions made by the learned advocate for the applicant and as the amount was deposited by the applicant in the office of the Sheriff, Mumbai by mistake, we are satisfied that the applicant has made out a case for passing

the following order;

- (a) Office of the Sheriff, Mumbai is directed to transfer sum of Rs.26,17,861/- along with accrued interest, if any, to the Motor Accident Claims Tribunal, Mumbai in the account of the Application MACP No.1898 of 2008 immediately;
- (b) The Motor Accident Claims Tribunal, Mumbai is directed to invest the said amount, after receipt of the same, in any Nationalized Bank initially for a period of one year and the same to be continued till further orders;
- (c) Liberty granted to the Respondents/Claimants, to file an appropriate application for withdrawal of that amount and that application shall be decided on its own merits by this Court;
- (d) Ad-interim order granted by an order dated 15th December, 2016 to continue till further orders;
- (e) The sum of Rs.25,000/- deposited by the applicant Insurance company in the Registry of this Court, at the time of filing of present First Appeal shall be transferred to the Motor Accident Claims Tribunal, Mumbai account of the Application MACP No.1898 of 2008, with accrued interest, if any;
- (f) The Civil Application is disposed of accordingly;
- (g) No order as to costs.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)