

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No. (ST) 34580/2018

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. Poonam Mittal for the Appellant
Ms. Rati S. Snehasane I/b. U. S. Mankapure
for Respondent No.4.

CORAM : K.K.TATED, J.
DATED : 18/03/2019

P.C.

Not on board. Taken on board.

Heard. By this appeal, the Appellant challenges judgment and award passed by the Member, MACT, Sangli in MACP No.274/2012 dated 03.04.2018 holding that the Respondents are entitled to compensation of Rs.22,60,153/- with 6% p.a. interest from the date of filing the petition till realisation of the amount to the extent of Rs.14,52,600/- only. Ground No.1 of appeal memo reads thus:

“1. The learned Judge erred in passing the impugned judgment dated 03.04.2018 for payment of Rs.22,60,153/- to the Applicants by the Appellant and Respondent No.4 under Section 166 of M.V.Act, 1988 (including interim compensation awarded u/s.140 of Motor Vehicle Act). the Appellants

are challenging out of awarded amount of Rs.22,60,153/- they are challenging Rs.14,52,600/-."

2 As the Appellant is challenging only sum of Rs.14,52,600/-, with interest the Respondent - claimant can withdraw the remaining amount, unconditionally.

3 Considering the submissions made by the learned counsel for the Appellant and the impugned judgment, the following order is passed:

- a. Admit.
- b. Call R & P.
- c. The Appellant to file private paper book within one year from today, with copy to other side, failing which the First Appeal shall stand dismissed without further reference to the court.
- d. Printing dispensed with.
- e. The claimants are entitled to withdraw Rs.8,07,553/- along with accrued interest, as mentioned below, unconditionally:
Claimant No.1 Sharayu Mahaveer Chaudhary - 50%

Claimant No.2 Abhishek Mahaveer
Chaudhary - 25%

Claimant No.3 Kum. Sayali Mahaveer
Chaudhary - 25%

f. Parties to act on an authenticated copy
of the order.

(K.K.TATED,J.)