

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3169 OF 2019
IN
FIRST APPEAL (ST) NO. 18354 OF 2017

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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Mr. Roshan Tanna for the Applicants
Ms. Shalini Shankar for the Respondent/Appellant.

CORAM: K.K.TATED, J.
DATED : 23/09/2019

P.C.

- 1 Heard learned Counsel for the parties.
- 2 By this Civil Application, the Applicant/ original Claimant is seeking permission to withdraw the amount deposited by the Insurance Company to satisfy the Judgment and Award dated 07.12.2016 passed by MACT, Palghar in MACP No. 1588 of 2001.
- 3 The learned Counsel for the Applicant submits that in the accident which occurred on 15.08.1992, the Claimant No.1 lost her husband. On the date of accident, the deceased was 51 years old. His income was near about Rs.10,000/- per month. Hence, Applicant has filed application under Section 166 of the M.V. Act claiming compensation

of Rs.10 lakhs with interest @ 12% per annum.

4 The learned Counsel for the Applicant submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to allow the Applicant to withdraw the amount deposited by the Respondent-Insurance Company.

5 On the other hand the learned Counsel for the Insurance Company submits that in any case, they are exploring the possibility of settlement out of the court. Hence, they have no objection, if 50% of amount may be permitted to withdraw by the Applicant.

6 Hence, by consent, following order is passed:

a) Applicant is permitted to withdraw 50% of amount as per their share without furnishing any security.

b) The Tribunal is directed to invest the remaining 50% amount in fixed deposit of any Nationalised Bank, initially for a period of one year and same to be continued till further order.

c) Civil Application stands disposed of accordingly.

d) No order as to costs.

(K.K.TATED, J.)