

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

**CIVIL APPLICATION NO.4452 OF 2018
IN
FIRST APPEAL (ST.) NO.32032 OF 2016**

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.Sushma Gor for the applicant

Mr.Nikhil Mehta i/b M/s.KMC Legal Venture
for the appellant

**CORAM : K. K. TATED, J
DATE : APRIL 1, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original Claimant is seeking permission to withdraw the amount deposited by the appellant Insurance Company in the Tribunal as per order dated 3.12.2018 passed by this court.

3 The learned counsel for the Applicant submits that in an accident which occurred on

29.09.2006, Applicant's daughter Pooja expired. Hence, they filed the Application under section 166 of the Motor Vehicle Act 1988 for compensation. She submits that Tribunal after considering the evidence on record, held that Applicant is entitled sum of Rs.26,55,000/- by way of compensation along with 7.5% interest p.a.

4 The learned counsel for the Applicant submits that Applicant may be permitted to withdraw the amount deposited by the appellant in the Registry before MACT.

5 The learned counsel for the Applicant submits that Applicants are ready and willing to provide solvent security to the satisfaction of the Tribunal.

6 The learned counsel for the Appellant submits that at the time of filing First Appeal, they deposited sum of Rs.25,000/- in the Registry of this court. She submits that in the interest of Justice, this Hon'ble Court be pleased to transfer MACT, Thane in the account of MACP No.1048 of 2006.

7 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

Hence, the following order:

- a) Both the Applicants are permitted to withdraw sum of Rs.25% each of the total compensation deposited by the Insurance Company in the Tribunal by providing solvent security to the satisfaction of the Tribunal on or before 31.07.2019.
- b) Registry is directed to transfer sum of Rs.25,000/- deposited by Insurance Company along with their interest if any to MACT Thane in the account of MACP NO.1048 of 2006 immediately.
- c) Civil application stands disposed off accordingly.
- d) No order as to costs.

(K.K.TATED, J.)