

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

**CIVIL APPLICATION NO.2335/2019
IN
FIRST APPEAL NO.1310/2017**

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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Advocate Mr.Amey Tamhane I/b Sangeeta Salvi for applicant.

Advocate Mrs. Varsha Chavan for respondent.

CORAM : K. K. TATED, J

DATE : JULY 18, 2019.

P.C.:

Heard learned counsel for parties.

2. By this civil application, the applicants are seeking permission to withdraw 50% amount deposited by the Insurance Company to satisfy judgment and award dated 31.8.2016 passed by MACT, Thane in MACP No.133/2014.

3. Learned advocate for applicant submits that in an accident which occurred on 2.1.2014, applicant no.1 lost his wife-Sangita

Naresh Sonawane. Hence, they filed application u/s 166 of Motor Vehicle Act for compensation of Rs. 1 lakh. He submits that the Tribunal awarded sum of Rs.8,90,000/- with interest @ 8% pa. He submits that applicant no.1 is working as a Labourer on daily wages and applicant nos. 2 to 4 are taking education. Hence, he require said amount. He submits that in the connected matter, this court permitted the claimant to withdraw 50% amount. He submits that in the interest of justice, this court be pleased to allow the applicant to withdraw 50% amount deposited by Insurance Company.

4 On the other hand, learned counsel for Insurance Company vehemently opposed the civil application.

5 Considering the submissions made by learned counsel for applicant and the averments made in civil application, I am satisfied that applicant has made out the case for allowing civil application and permitted them to withdraw 50% amount, but subject to outcome of first appeal.

- a) Applicants are permitted to withdraw 50% amount with accrued interest jointly as per their share without furnishing any security but subject to outcome of first appeal.
- b) Civil application disposed of.
- c) No order as to cost.

(K.K.TATED, J.)