

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

**CIVIL APPLICATION NO. 542 OF 2018
IN
FIRST APPEAL NO. 1494 OF 2016**

Sharada Anil Ukirde & Ors. ...Applicants

IN THE MATTER BETWEEN

The Branch Manager,
Bharati Axa General Insurance Co. Ltd. ...Appellant

Versus

Sharada Anil Ukirde & Ors. ...Respondents

.....
Mr.Rohit S.Gangawane for the Applicants.
Mr.Rahul Mehta i/b. KMC Legal Venture for the Appellant.
.....

**CORAM: V.G.BISHT, J.
DATE: 27TH JANUARY, 2020**

PC:-

1. This application is moved for withdrawal of amount deposited by the original appellant pursuant to the judgment and award dated 21.06.2016 passed by the learned Additional Member, Motor Accident Claims Tribunal, Pune in M.A.C.P No. 527 of 2011.
2. Heard the learned Counsel for both the parties.

3. Considering the judgment and award and the submission of the learned Counsel, the applicants are allowed to withdraw 50% of the amount deposited by the appellant/insurance company as per apportionment given in clause No. 3 of the operative part of the impugned judgment and award. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest. The remaining amount is to be deposited in the fixed deposit of any nationalized bank.

4. Civil Application is allowed and accordingly disposed of.

(V.G.BISHT,J.)