

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

CIVIL APPLICATION NO.803 OF 2019
IN
FIRST APPEAL NO.1728 OF 2010

Sivasankaran Nair ... Applicant.

In the matter between

United India Insurance Co. . Ltd. ... Appellant

V/s.

Sivasankaran Nair & Anr. ... Respondents.

Mr.Udaybhan Sinh i/b Baldev Bhalwal for the Applicant.

Mr.Amol Gatne for the Original Appellant.

CORAM : V.G. BISHT, J.

DATE : 14TH JANUARY, 2020.

P.C.:

1. The applicant has moved the application for withdrawal of amount deposited by the original appellant pursuant to the judgment and order dated 29/06/2010 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in Application No.1089 of 2002.

2. Heard learned counsel for the parties.

3. In view of submissions made by learned counsel for the applicant, the applicant is allowed to withdraw 50% of the compensation amount as per apportionment made in paragraph 2 of the order dated 29/06/2010 passed in

Application 1089 of 2002. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.

4. Civil Application is allowed and is accordingly disposed of.

(V.G. BISHT, J.)