

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

CIVIL APPLICATION NO.2162 OF 2019
IN
FIRST APPEAL STAMP NO.26670 OF 2018

Bhagwandas Jagannath Prajapati & Ors. ... Applicants.

In the matter between

Cholamandalam MS General
Insurance Co. Ltd. ... Appellant.

V/s.

Bhagwandas Jagannath Prajapati & Ors. ... Respondents.

Ms.Rina Kundu for the Applicants.

Ms.Rui Danawala i/b Res Juris for the Original Appellant.

CORAM : V.G. BISHT, J.

DATE : 22ND JANUARY, 2020.

P.C.:

1. Heard learned counsel for the parties.
2. The applicants have moved this application for withdrawal of amount deposited by the original appellant pursuant to the judgment and order dated 11/10/2017 passed in Motor Accident Claim Petition No.475 of 2016 by learned Member, Motor Accident Claims Tribunal, Thane.
3. In view of submissions made by learned counsel for the applicants, they are allowed to withdraw 50% of the compensation amount as per apportionment made in

paragraphs 2 to 6 of the order dated 11/10/2017 passed in MAC Petition No.475 of 2016. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.

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

(V.G. BISHT, J.)