

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

**CIVIL APPLICATION NO. 765 OF 2019
IN
FIRST APPEAL 14 OF 2020**

Samina Nasir Naikwadi and Ors. ... Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. ... Appellant

V/s

Samina Nasir Naikwadi and Ors. ... Respondents.

Ms. Sairuchita Choudhary i/b J. Shekhar & Co., for the Applicants.

Mr. S.M. Dange, for the Appellant.

CORAM : V.G. BISHT, J.

DATED : 13TH JANUARY, 2020.

PC. :

The Applicants have moved this application for withdrawal of amount deposited by the original appellant pursuant to the judgment and order dated 30/12/2015 passed by the learned Member, MACT, Islampur in M.A.C.P No. 26 of 2013.

2 Heard learned counsel for both the parties.

3 In view of submissions made by learned counsel for the applicants, applicants are allowed to withdraw 50% of the compensation amount as

per apportionment made in Clause Nos. 3 and 4 of the operative part of the impugned Judgment and Order. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 accordingly disposed of.

(V.G. BISHT, J.)