

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

**CIVIL APPLICATION NO. 1164 OF 2019
IN
FIRST APPEAL NO. 1492 OF 2016**

Kashinath Dashrath Lohote ...Applicant

IN THE MATTER BETWEEN

Bharati Axa General Insurance Co. Ltd. ...Appellant

Versus

Kashinath Dashrath Lohote & Anr. ...Respondents

.....
Mr.Rohit S.Gangawane for the Applicant.
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.893 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 applicant is allowed to withdraw 50% of

the amount deposited by the appellant/insurance company. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest. The remaining amount is to be deposited in the fixed deposit of any nationalized bank.

4. Civil Application is allowed and accordingly disposed of.

(VG.BISHT,J.)