

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

**CIVIL APPLICATION NO. 3152 OF 2019
IN
FIRST APPEAL NO. 1635 OF 2016**

Shri Balaso Jagannath Nalawade ...Applicant

IN THE MATTER BETWEEN

New India Assurance Co. Ltd. ...Appellant

Versus

Balaso Jagannath Nalawade & Anr. ...Respondents

.....
Mr.B.A.Lawate for the Applicant.
Ms.S.S.Dwivedi for the Appellant.
Mr.Dilip Bodake for Respondent No.2.

.....

CORAM: V.G.BISHT, J.
DATE: 29TH JANUARY, 2020

PC:-

1. This application is moved for withdrawal of amount deposited by the original appellant/ insurance company pursuant to the judgment and award dated 25.05.2015 passed by the learned Member, Motor Accident Claims Tribunal, Satara in M.A.C.P No. 48 of 1999.

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 Rs. 3,00,000/-. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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. Application is allowed and accordingly disposed of.

5. Place this Appeal under the caption of “Final Hearing” on 26th February, 2020 at 3.00 pm.

(V.G.BISHT, J.)