

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

CIVIL APPLICATION NO.2011 OF 2019
IN
FIRST APPEAL NO.389 OF 2016

Rajeshwar Sinha & Ors. ... Applicants.

In the matter between

M/s.IFFCO TOKIO ... Appellant.

V/s.

Rajeshwar Sinha & Ors. ... Respondents.

Mr.C.M. Lokesh i/b G.S.Hegde for the Applicants.

Ms.Jyoti Bajpayee for the Original Appellant.

CORAM : V.G. BISHT, J.

DATE : 30TH 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 28/07/2009 passed by the learned Member, Motor Accident Claims Tribunal, Daman in Claim Petition No.30 of 2005.
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 paragraph (i) of the order dated 28/07/2009 passed in Claim

Petition No.30 of 2005. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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.)