

Thursday, 10th March, 2022

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 803 OF 2022
(FOR WITHDRAWAL OF MONEY)
IN
FIRST APPEAL NO. 208 OF 2007

ANIL NIRMAL KHADE (DECEASED)

THR. LEGAL HEIRS, REKHA ANIL

KHADE AND ORS.

} APPLICANTS

V/S.

GAJANAN RAJARAM HULVANE

AND ANR.

} ORIG. APPELLANTS

AND

UNITED INDIA INSURANCE

COMPANY

} RESPONDENTS

* * * *

Mr. Vaibhav Gaikwad, Advocate for the applicants in IA-803-2022 and for respondents no.1A to 1D in FA-208-2007.

Mr. Swapnil Telang i/by. Mr. Umesh Mankapure,
Advocate for the appellant in FA-208-2007.

Coram : Sandeep K. Shinde, J.

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P.C. :

1) Applicants are the legal representatives of Anil Nirmal Khade-claimant in Motor Accidents Claim Petition No. 191/2002. The claim was granted, by which Opponents

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No.1 and 2, were held liable to pay compensation of Rs.3,96,000/- including the amount under “No fault liability”. Owner and Driver of the vehicle preferred this Appeal against the Award dated 13th April, 2006. Pending appeal, vide order dated 8th February, 2012 applicants were permitted to withdraw Rs.1,00,000/-. This application seeks leave to withdraw the balance of compensation deposited by the appellants.

2) Learned Counsel appearing for the appellants, on instructions, submits that the appellants have no objection, if the balance amount with interest accrued thereon, is withdrawn by the applicants on a bond stating that, they shall bring back the money, if the appellants succeed in the Appeal. Thus, in view of the appellants’ consent, applicants are permitted to withdraw the balance amount with interest accrued thereon, deposited by the appellants in Motor Accidents Claim Tribunal, Sangli in M.A.C.P. No.191/2002 subject to Bond. Application is allowed and disposed of in the aforesaid terms.

(Sandeep K. Shinde, J.)

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Mr. Vaibhav Gaikwad, Advocate for the applicants in IA-803-2022 and for respondents no.1A to 1D in FA-208-2007.

**Mr. Swapnil Telang i/by. Mr. Umesh Mankapure,
Advocate for the appellant in FA-208-2007.**

Coram : Sandeep K. Shinde, J.

Thursday, 10th March, 2022.

P.C. :

1. Hearing of the Appeal is expedited.
2. To be listed in the week commencing from 25th April, 2022.

(SANDEEP K. SHINDE, J.)