

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.3910 OF 2018

WITH

CIVIL APPLICATION NO.2829 OF 2018

IN

SECOND APPEAL NO.3910 OF 2018

UNITED INDIA INSURANCE COMPANY LTD.)...APPELLANT

V/s.

ISHWARA SHANKAR KAMBLE AND ORS.)...RESPONDENTS

WITH

CIVIL APPLICATION (ST) NO.9457 OF 2019

IN

SECOND APPEAL NO.3910 OF 2018

ISHWARA SHANKAR KAMBLE AND ORS.)...APPELLANTS

V/s.

UNITED INDIA INSURANCE COMPANY LTD.)...RESPONDENT

Mr. Amol Gatne, Advocate for the Appellant.

Mr. P.D. Dalvi, Advocate for the Respondent in F.A.(ST)
No.3910of 2018.

CORAM : V. G. BISHT, J.

DATE : 26th FEBRUARY 2022

P.C. :

1 The applicant has moved the application for withdrawal of amount deposited by the original appellant pursuant to the judgment and Award dated 22nd August 2017 passed by the learned Member, MACT, Kolhapur in Motor Accident Claim Petition No.156 of 2015.

2 Heard learned counsel for both the parties. Learned counsel for the original appellant has objected the application.

3 In view of submissions made by the learned counsel for the applicant, applicant is allowed to withdraw 50% of the compensation amount as per the apportionment in paragraph no.2 in the judgment and Award dated 22nd August 2017 passed by the learned Member, MACT, Kolhapur in Motor Accident Claim Petition No.156 of 2015. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.

4 The statutory amount of Rs.25,000/- deposited in this Court at the time of filing of Appeal shall be transferred to the Motor Accident Claims Tribunal, Mumbai. Rest of the amount to be deposited in a nationalized bank.

5 Civil Application (Stamp) No.9457 of 2019 is allowed and stands disposed of accordingly.

6 Civil Application No.2829 of 2018 is filed for condonation of delay of 46 days. The reasons attributed for delay in filing the present appeal is explained in paragraph nos.3 and 4. The same are accepted and delay of 46 days in filing the present appeal is condoned.

7 Civil Application No.2829 of 2018 stands disposed off.

8 Appeal be numbered.

9 Issue notice to respondents for final hearing, returnable on 29th March 2022.

10 The learned counsel for respondent waives service of notice.

11 Place the First Appeal for Final Hearing at the stage of admission on **29th March 2022.**

(V. G. BISHT, J.)