

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

**INTERIM APPLICATION NO.17616 OF 2022
IN
FIRST APPEAL NO.306 OF 2022**

Ramesh Appa Randive	...Applicant
In the matter between	
Vikas Nana Gaikwad	...Appellant

Versus

Ramesh Appa Randive and Anr.	...Respondents
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Mr. Aditya Mahadik with Ms Sweta Shah i/b. Mr. Dhananjay
Rananaware for the Appellant.

Mr. Abhijit Kulkarni for the Respondent No.1 in FA/306/2022 and for
the Applicant in IA/17616/2022.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th OCTOBER, 2022.

P. C. :-

1. The Applicant, who is the original Claimant has sought withdrawal of the compensation deposited by the Appellant/owner of the vehicle. The Applicant, had filed application under Section 166 of the Motor Vehicles Act in view of the injury sustained in a motor vehicular accident. By the impugned judgment dated 31/08/2019 in Claim Petition No.110 of 2015 the Claims Tribunal, Satara directed the Appellant/owner of the vehicle to pay compensation of Rs.8,21,388/- with interest @ 7.50% p.a. from the date of the claim petition till final realization.

2. The Appellant/ owner has deposited 50% of the compensation as per order dated 04/04/2022. Considering the nature of injuries sustained by the Applicant-original claimant and the reasons stated in the application as well as the grounds raised in the appeal memo, 30% of the compensation deposited by the Appellant with proportionate interest accrued thereon, be paid to the Applicant-original Claimant subject to filing of an undertaking that the Claimant will refund the amount with interest in the event the Appellant succeeds in the appeal.

3. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)