

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2794 OF 2019

IN

FIRST APPEAL (ST) NO.30117 OF 2016

JALINDHAR MAHADEO KAPSE & ORS.)...APPLICANTS

V/s.

NATIONAL INSURANCE COMPANY LTD.)...RESPONDENT

Mr. P.J.Pawar, Advocate for the Applicant.

Mr. Amol Gatne, Advocate for the Appellant.

Smt. Nidhi Bangera a/w. Smt. Deepika Prabhala i/by. Res Juris,
Advocate for Respondent No.4.

CORAM : V. G. BISHT, J.

DATE : 23rd 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 30th January 2016 passed by the learned Member, MACT, Satara in Motor Accident Claim Petition No.596 of 2010.

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 judgment and order and apportionment made in paragraph no.2 of the order dated 30th January 2016 passed by the learned Member, MACT, Satara in Motor Accident Claim Petition No.596 of 2010. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 Interim Application is allowed and stands disposed of accordingly.

6 Place the First Appeal for Admission on **28th March 2022.**

(V. G. BISHT, J.)