

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.640 OF 2022

IN

FIRST APPEAL NO.638 OF 2016

VIDHYA RAJENDRA MADANE AND ORS.)...APPLICANTS

V/s.

**ICICI LOMBARD GENERAL INSURANCE CO.)
LTD. THROUGH ITS AUTHORIZED)
REPRESENTATIVE MR.PRATHAMESH DINDE)...RESPONDENT**

Mr.Pritesh Bohade, Advocate for the Applicant.

Ms.Nitika Singh i/b. Res Juris, Advocate for the Respondent.

CORAM : V. G. BISHT, J.

DATE : 17th 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 27th April 2015 passed by the learned Member, MACT, Satara in Motor Accident Claim Petition No.180 of 2012.

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 27th April 2015 in Motor Accident Claim Petition No.180 of 2012. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 **21st March 2022.**

(V. G. BISHT, J.)