

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

INTERIM APPLICATION NO. 3571 OF 2019

IN

FIRST APPEAL NO. 1748 OF 2019

Kasturbai Baba Kavathe and Ors. ... Applicants

IN THE MATTER BETWEEN

National Insurance Co. Ltd. ... Appellant

Versus

Kasturbai Baba Kavathe and Ors. ... Respondents

Mr. R. B. Vijaymane, for the Applicants and for Respondent Nos. 1 to 4 in FA/1748/2019.

Smt. Harshada Rane, for the Appellant in FA 1748/2019 and for Respondent in IA 3571/2019.

CORAM : V. G. BISHT, J.

DATE : 8th February, 2022.

PC:

The Applicant has moved the application for withdrawal of amount deposited by the original appellant pursuant to the judgment and Award dated 8th May, 2015 passed by the learned Member, MACT, Solapur in Motor Accident Claim Petition No. 194 of 2012.

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

3 In view of submissions made by learned counsel for the applicants, applicants are allowed to withdraw 50% of the compensation amount as per the judgment and order and apportionment made in para 2 of the Order dated 8th May, 2015 passed in Claim Petition No. 194 of 2012. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 the nationalized bank.

5 Interim Application is allowed and accordingly disposed of.

6 Place the First Appeal for 'Admission' on **7th March, 2022.**

(V. G. BISHT, J.)