

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

**INTERIM APPLICATION NO. 573 OF 2022
IN
FIRST APPEAL (STAMP) NO. 25850 OF 2019
WITH
INTERIM APPLICATION NO. 547 OF 2019
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FIRST APPEAL (STAMP) NO. 25850 OF 2019**

Ashok Rau Suryawanshi and Anr. ... Applicants

IN THE MATTER BETWEEN

Bajaj Allianz General Insurance Company Ltd. ... Appellant/Applicant

Versus

Ashok Rau Suryawanshi and Ors. ... Respondent

Mr. Sarthak S. Diwan, for the Appellant/Applicant.

Mr. Girish Agrawal, for the Respondent Nos. 1 and 2 and Applicant in IA 573 of 2022.

CORAM : V. G. BISHT, J.

DATE : 11th FEBRUARY, 2022.

PC:

The Applicants have moved this application for withdrawal of amount deposited by the original appellant pursuant to the judgment and Award dated 17th April, 2019 passed by the learned Ex-Officio Member, MACT, Karad in Motor Accident Claim Petition No. 175 of 2014.

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 nos. 1 and 2 of the Order dated 17th April, 2019 passed in Claim Petition No. 175 of 2014. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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.

(V. G. BISHT, J.)