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

**INTERIM APPLICATION NO. 369 OF 2022
IN
FIRST APPEAL (ST.) NO. 22750 OF 2021**

Smt. Smita Kishor Pagar & Ors.

...Applicants

Versus

The Divisional Manager,

The New India Assurance Co. Ltd. & Ors....Respondents

.....

Mr.Pritesh K. Bohade for the Applicants.

Ms.Karishma Zaveri i/b. Navdeep Vora and Associates for
the Original Appellant/ Insurance Company.

.....

CORAM: V.G.BISHT, J.

DATE: 21st February, 2022

PC:-

1. The applicants have moved this application for withdrawal of amount deposited by the original appellant pursuant to the judgment and award dated 28th February, 2020 passed by the learned Member, MACT, Nashik in Motor Accident Claim Petition No. 195 of 2013.

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 award and apportionment given in clause Nos. (iv) of the operative part of the Order dated 28th February, 2020. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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, Nashik. 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 on board on **21st March, 2022.**

(V.G.BISHT, J.)