

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.434 OF 2021

WITH

INTERIM APPLICATION NO.3174 OF 2021

IN

FIRST APPEAL NO.434 OF 2021

**DIVISIONAL MANAGER BAJAJ ALLIANZ)
GENERAL INSURANCE COMPANY LTD. PUNE)...APPELLANT**

V/s.

MADINA KARIM BAGWAN AND ORS.)...RESPONDENTS

WITH

INTERIM APPLICATION NO.1020 OF 2022

IN

FIRST APPEAL NO.434 OF 2021

MADINA KARIM BAGWAN AND ORS.)...APPLICANT

V/s.

**DIVISIONAL MANAGER BAJAJ ALLIANZ)
GENERAL INSURANCE COMPANY LTD. PUNE)
AND ANOTHER)...RESPONDENT**

Mr. S.S.Diwan, Advocate for the Appellant.

Mr. Yogesh Pandey, Advocate for the Respondent.

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CORAM : V. G. BISHT, J.

DATE : 26th 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 5th March 2020 passed by the learned Member, MACT, Pune in Motor Accident Claim Petition No.639 of 2016.

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 apportionment in paragraph nos.2 and 3 in the judgment and Award dated 5th March 2020 passed by the learned Member, MACT, Pune in Motor Accident Claim Petition No.639 of 2016. 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an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 No.1020 of 2022 is allowed and stands disposed of accordingly.

6 Issue notice to respondents, returnable on **30th March 2022.**

(V. G. BISHT, J.)