

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**INTERIM APPLICATION NO.603 OF 2022
IN
FIRST APPEAL (ST) NO.1416 OF 2021**

MARCEL DAVID ADHAV AND ANR.)...APPLICANTS

IN THE MATTER OF

**RELIANCE GEN. INSURANCE CO. LTD.)...APPELLANT
V/s.**

MARCEL DAVID ADHAV AND ORS.)...RESPONDENTS

Mr.Amol Gatne, Advocate for the Applicants.

Ms.Kalpana Trivedi, Advocate for the Appellant.

CORAM : V. G. BISHT, J.

DATE : 10th 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 21st August 2020 passed by the learned Additional Member, MACT, Pune in Motor Accident Claim Petition No.353 of 2017.

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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 nos.2 and 3 of the order dated 21st August 2020 in Motor Accident Claim Petition No.353 of 2017. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 **7th March 2022.**

(V. G. BISHT, J.)