

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.602 OF 2022

IN

FIRST APPEAL (ST) NO.25523 OF 2021

SHUKHDEO RAMASHANKAR PRASAD)...APPLICANT

IN THE MATTER BETWEEN

**BOMBAY ELECTRIC SUPPLY AND TRANSPORT)
UNDERTAKING)...APPELLANT**

V/s.

SHUKHDEO RAMASHANKAR PRASAD)...RESPONDENT

Mr.Arsh Mishra a/w. Ms.Kavita Anchan i/b. M.V.Kini & Co.,
Advocate for the Appellant.

Mr.Amol Gatne, Advocate for the Applicant in I.A. No.602 of
2022.

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 14th August 2021 passed by the

AVK

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learned Member, MACT, Mumbai in Motor Accident Claim Petition No.2525 of 2013.

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 2 of the order dated 14th August 2021 passed in Motor Accident Claim Petition No.2525 of 2013. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 **14th March 2022.**

(V. G. BISHT, J.)