

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**FIRST APPEAL (ST) NO.30677 OF 2019
IN
INTERIM APPLICATION NO.3625 OF 2019
WITH
INTERIM APPLICATION NO.3624 OF 2019
IN
FIRST APPEAL (ST) NO.30677 OF 2019**

NATIONAL INSURANCE COMPANY LIMITED)...APPLICANT

V/s.

NANDKUMAR BABURAO KUMBHAR & ORS.)...RESPONDENTS

WITH

**INTERIM APPLICATION NO.587 OF 2022
IN
FIRST APPEAL (ST) NO.30677 OF 2019**

NANDKUMAR BABURAO KUMBHAR & ORS.)...APPLICANTS

V/s.

**NATIONAL INSURANCE COMPANY LIMITED)
AND OTHERS)...RESPONDENTS**

Mr.PA.Narayanan, Advocate for the Appellant and Applicant in
I.A.No.3624 of 2019 and I.A.No.3625 of 2019.

Mr.Amol Gatne, Advocate for the Respondent No.6.

Mr.Pritesh Bohade, Advocate for Applicant in I.A.No.587 of 2022.

CORAM : V. G. BISHT, J.

DATE : 17th 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 30th December 2014 passed by the learned Member, MACT, Satara in Motor Accident Claim Petition No.352 of 2007.

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 no.2 of the order dated 30th

December 2014 in Motor Accident Claim Petition No.352 of 2007. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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.587 of 2022 is allowed and stands disposed of accordingly.

6 The reasons attributed for delay of 1656 days in filing the present appeal are explained in Interim Application No.3624 of 2019. The same are accepted and delay in filing the present appeal is condoned subject to payment of costs of Rs.5,000/- to be deposited with High Court Legal Aid Services.

7 Interim Application No. 3624 of 2019 is allowed and stands disposed of accordingly.

8 The appeal be numbered.

9 Place the First Appeal for Admission along with Interim Application No.3625 of 2019 on **16th March 2022**.

(V. G. BISHT, J.)