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

**INTERIM APPLICATION NO. 25 OF 2022
IN
FIRST APPEAL (ST.) NO. 18820 OF 2019**

Mr.Ashim Asher Das & Ors.

...Applicants

Versus

Mr.Vishal Bajirao Bobade and Anr.

...Respondents

.....

Mr. Vilas R. More for the Applicants.

Mr. Himanshu Takke i/b. Mr. Milind More for the Original
Appellant.

.....

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 27th February, 2018 passed by the learned Member, MACT, Vasai, District- Palghar in Motor Accident Claim Petition No. 93 of 2009.

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 No. 3 of Order dated 27th February, 2018. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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, Vasai, District -Palghar. Rest of the amount to be deposited in the nationalized bank.

5. Interim application is allowed and accordingly disposed of.

(V.G.BISHT, J.)