

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

**INTERIM APPLICATION NO.3385 OF 2022
IN
FIRST APPEAL NO.1109 OF 2017**

Faheem Insaullah Khan ...Applicant
In the matter between:-
Municipal Corporation of Greater Mumbai ...Opponent/Appellant.
Versus
Faheem Insaullah Khan ...Respondent

**WITH
FIRST APPEAL NO.1109 OF 2017**

Municipal Corporation of Greater Mumbai ...Appellant
Versus
Faheem Insaullah Khan ...Respondent

.....

Ms. Shradda Chheda i/by Navdeep Vora & Associates for Appellant in FA/1109/2017 and for Opponent/Appellant in IA/3385/2022.
Mr. Abhijit Desai for Applicant in IA/3385/2022 and for Respondent in FA/1109/2017.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 8th JUNE, 2022.

P.C.:-

1. By this Interim Application, the Applicant has sought withdrawal of the compensation deposited by the Appellant-MCGM pursuant to the order dated 1st August 2017, passed by this Court in Civil Application No.225 of 2017. The Applicant was the Original Claimant in Claim Petition filed under Section 166 M.V. Act, arising

from motor vehicular accident on 10th May 2017. By the impugned Judgment, the Tribunal has awarded compensation of Rs.7,53,280/- with interest @ 9% per annum from the date of adducing evidence i.e. 29th September 2015.

2. Considering the fact that the accident is of the year 2007 and also considering the reasons stated in the Application and the grounds raised in the Appeal Memo, in my considered view, the Applicant is entitled to withdraw 50% of the compensation alongwith proportionate interest accrued thereon. Hence, the Interim Application is allowed.

3. The Applicant/Original Claimant is permitted to withdraw 50% of the compensation with proportionate interest accrued thereon. The balance amount be invested in any Nationalised Bank in fixed deposit until further orders.

4. Interim Application stands disposed of.

5. First Appeal be listed for final hearing in the week commencing from 22nd August 2022.

(SMT. ANUJA PRABHUDESSAI, J.)