

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.32 OF 2022

IN

FIRST APPEAL NO.364 OF 2017

SHREE KAILAS BHAGAWAN RAIKAR)
THROUGH AUTHORIZED REPRESENTATIVE)
MRS. POONAM KAILAS RAIKAR)...APPLICANT

V/s.

FUTURE GENERAL INDIA INSURANCE CO.)
LTD.)...RESPONDENT

Ms. Sejal Hariyan i/by. Mr. P.D.Pise, Advocate for the Applicant in
Civil Application No.32 of 2022.

Ms. Pooja Jadhav i/by. Mr. D.R.Mahadik, Advocate for the Appellant in F.A.No.364 o 2017.

CORAM : V. G. BISHT, J.

DATE : 26th 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 19th July 2016 passed by the learned

AVK

 $1/3$

Member, MACT, Pune in Motor Accident Claim Petition No.380 of 2012.

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 apportionment in paragraph nos.2 and 2a in the judgment and award dated 19th July 2016 passed by the learned Member, MACT, Pune in Motor Accident Claim Petition No.380 of 2012. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 **30th March 2022.**

(V. G. BISHT, J.)