

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1598 OF 2020

IN

FIRST APPEAL NO.19411 OF 2016

SHRI.MAHESH NATHU PALEKAR)...APPELLANT

V/s.

**THE NEW INDIA ASSURANCE CO. LTD.)
AND ANR.)...RESPONDENTS**

Mr. Nikhil Mehta i/by. Ms. Shalini Shankar, Advocate for the Appellant.

Mr. Yogesh Pande, Advocate for the Respondent No.1.

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 16th December 2015 passed by the learned Additional Member, MACT, Pune in Motor Accident Claim Petition No.505 of 2014.

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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 no.B in the judgment and award dated 16th December 2015 passed by the learned Additional Member, MACT, Pune in Motor Accident Claim Petition No.505 of 2014. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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.

(V. G. BISHT, J.)