

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

**INTERIM APPLICATION NO.3265 OF 2020
IN
FIRST APPEAL NO.638 OF 2013**

Balasaheb Govind Sonawane and
Anr.

...Applicants

In the matter between :-
Atul Lajaras Padale and Anr.

...Appellants

Versus

Balasaheb Govind Sonawane and
Ors.

...Respondents

...

Ms Sakshi Mehta i/b. M/s. BJ Law Offices LLP for the Appellants.
Ms Bhavana Dubepatil i/b. M/s. Ajay Misar and Co. for the Applicants
in IA/3265/2020 and IA/3321/2016.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 5th AUGUST, 2022.

P. C. :-

1. The Applicants, who are original Claimants in the appeal have filed this application for withdrawal of compensation deposited by the Appellants pursuant to the Judgment and Award dated 21/10/2011 in M.A.C.P. No.570 of 2006. The Applicants are the parents of the deceased Vasant, who expired in a motor vehicular accident on 29/07/2006.

2. In an application filed by the Applicants, under Section 166 of the Motor Vehicles Act, 1988 the Tribunal, upon considering the evidence adduced by the respective parties has awarded compensation of Rs.4,00,000/- along with interest @7.5% p.a. from 1/1/2010 till final realization of the amount.

3. The records reveal that the Applicants had avoided depositing the decretal amount and only pursuant to an order dated 07/08/2019 that the Appellant has deposited only principle amount of Rs.4,00,000/-. The Applicants are the aged parents of the deceased. They have not been able to get compensation since last over 15 years from the date of the accident. Considering the above facts and circumstances and also considering the grounds raised in the appeal memo, the Applicants are permitted to withdraw compensation of Rs.4,00,000/- with interest accrued thereon subject to an undertaking that the amount will be refunded in the event the Appellant succeeds in the appeal.

4. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)