

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

**CIVIL APPLICATION NO.3321 OF 2016
IN
FIRST APPEAL NO.654 OF 2013**

Rahul Balasaheb Sonawane ...Applicant

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

Versus

Rahul Balasaheb Sonawane and
Anr. ...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 Applicant, who is the original Claimant has 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.260 of 2007.

2. The Applicant has filed the petition under Section 166 of the Motor Vehicular Act, 1988 in view of injury sustained in a motor

vehicular accident on 29/07/2006. Upon considering the evidence adduced by the respective parties, the Claims Tribunal has awarded compensation of Rs.76,000/- with interest @7.5% p.a. from 1/1/2010 till final realization of the amount. The records indicate that the Appellants have only deposited the principal amount of Rs.76,000/-.

3. Having considered the reasons stated in the application and the grounds raised in the appeal memo, the Applicant is permitted to withdraw Rs.76,000/- with interest accrued thereon subject to an undertaking that the amount will be refunded in the event the Appellants succeed in the appeal.

4. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)