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

**INTERIM APPLICATION NO. 1675 OF 2021
IN
FIRST APPEAL (ST.) NO. 2657 OF 2021**

Shobha Sahebrao Deshmukh and Anr. ...Applicants

Versus

TATA AIG General Insurance Company
Limited and Another ...Respondents

.....
Ms.Varsha Chavan for the Applicants.
Mr. Nikhil Mehta i/b. KMC Legal Venture for the Original
Appellant/ Insurance Company.
.....

CORAM: V.G.BISHT, J.
DATE: 9th February, 2022
PC:- (Through Video Conferencing)

1. The applicants have moved this application for withdrawal of amount deposited by the original appellant pursuant to the judgment and award dated 7th November, 2020 passed by the learned Member, MACT, Mumbai in Motor Accident Claim Petition No. 1729 of 2014.

2 Heard learned counsel for both the parties. Learned counsel for original appellant has objected the application.

3 In view of submissions made by learned counsel for the applicants, applicants are allowed to withdraw 60% of the compensation amount as per the judgment and award and apportionment made in para 3 of the Order dated 7th November, 2020 passed in Claim Petition No.1729 of 2014. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 the nationalized bank.

5 Interim Application is allowed and accordingly disposed of.

6 Place the First Appeal for 'Admission' on **16th March, 2022.**

(V.G.BISHT, J.)