

TRUPTI
SADANAND
BAMNE

Digitally signed by
TRUPTI
SADANAND
BAMNE
Date: 2022.02.09
22:00:07 +0530

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

**INTERIM APPLICATION NO. 1828 OF 2021
IN
FIRST APPEAL NO. 48 OF 2021**

Lahanubai Yashwantrao Thorat ...Applicant

Versus

TATA AIG General Insurance Company
Limited & Anr. ...Respondents

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

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

1. The applicant has 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. 1730 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 applicant, applicant is allowed to withdraw 60% of the compensation amount as per the judgment and award dated 7th November, 2020 passed in MACP No. 1730 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 The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 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.)