

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

**INTERIM APPLICATION NO. 10473 OF 2022
IN
FIRST APPEAL NO. 576 OF 2016**

Shri. Dashrath Dnyanoba Shinde (since
deceased through legal heirs) :

Mrs. Usha Dasharath Shinde Applicant

In the matter between :-

The New India Assurance Co. Ltd. Appellant

v/s.

Shri. Dashrath Dnyanoba Shinde (since
deceased through legal heirs) :

Mrs. Usha Dashrath Shinde and ors. Respondents

Mr. Rajesh More for the Applicant

Ms. S.S. Dwivedi for the Appellant – Insurance Co.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JULY, 2022.

P. C. :-

. By this Application, the Applicant – original claimant has sought withdrawal of the compensation deposited by the Appellant – Insurance Company vide judgment dated 16/01/2015 passed by the Ad-hoc District Judge-1, Pune in MACP No.371/2011.

2. Considering the reasons stated in the Application and the

grounds raised in the Appeal memo, the Applicant is permitted to withdraw 50% of the compensation with proportionate interest accrued thereon.

3. The Applicant shall give an undertaking to the Claims Tribunal, Mumbai that she shall refund the amount with interest in the event the Appellant – Insurance Company succeeds in the Appeal. The Tribunal to re-invest the balance amount of compensation in any nationalized bank until further orders.

4. Interim Application stands disposed of.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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