

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3712 OF 2019

IN

FIRST APPEAL NO.218 OF 2020

SHOBHA DHARMRAJ SAKHRE)...APPLICANT

V/s.

**DIVISIONAL MANAGER BAJAJ ALLIANZ)
GENERAL INSURANCE CO. LTD. AND ORS.)...RESPONDENTS**

Mr. Yogesh Pande, Advocate for the Applicant in CAF No.3712/2019.

Smt. Yogita Deshmukh, Advocate for the Appellant in F.A.No.218 /2020.

CORAM : V. G. BISHT, J.

DATE : 26th FEBRUARY 2022

P.C. :

1 The applicant has moved the application for withdrawal of amount deposited by the original appellant pursuant to the judgment and Award dated 13th March 2015 passed by the learned Additional Member, MACT, Pune in Motor Accident Claim Petition No.610 of 2010.

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

3 In view of submissions made by the learned counsel for the applicant, applicant is allowed to withdraw 50% of the compensation amount as per the apportionment in paragraph nos.2 to 5 in the judgment and Award dated 13th March 2015 passed by the learned Additional Member, MACT, Pune in Motor Accident Claim Petition No.610 of 2010. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 a nationalized bank.

5 Civil Application No.3712 of 2019 is allowed and stands disposed of accordingly.

6 Place the First Appeal for Final Hearing at the stage of admission on **30th March 2022.**

(V. G. BISHT, J.)