

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

**INTERIM APPLICATION NO.17947 OF 2022
IN
FIRST APPEAL (STAMP) NO.5919 OF 2020**

Surmilan Singh Soibam and Anr. ...Applicants

Versus

Pune Municipal Corporation ...Respondent

...

Ms Yogita Chitnis for the Applicants.

Mr. Vishwanth Patil for the Respondent

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th NOVEMBER, 2022.

P. C. :-

1. By this application, the Applicant has sought withdrawal of the compensation deposited by the Appellant-Insurance Company. By the impugned judgment the Claims Tribunal has awarded compensation of Rs. 71,07,348/- with interest @ 6% p.a. from the date of the petition till final realization of the amount.

2. Applicant No.2, who is the original Claimant No.2 is the minor. Hence, I am not inclined to allow withdrawal on his behalf at this stage. Applicant No.1 is entitled for 50% of the total

compensation.

3. Having considering the reasons stated in the application and the grounds raised in the appeal memo, the Applicant No.1 is permitted to withdraw 25% of the total compensation with proportionate interest accrued thereon subject to filing of an undertaking that the Applicant No.1 will refund the amount with interest in the event the Appellant succeeds in the appeal.

4. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)