

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.477 OF 2021

**SHRIRAM GENERAL INSURANCE COMPANY)
LIMITED THROUGH DIVISIONAL OFFICER)...APPELLANT**

V/s.

SHAMIM BANO SIDDHIK SAIYAD AND ORS.)...RESPONDENTS

WITH

INTERIM APPLICATION NO.3289 OF 2021

IN

FIRST APPEAL NO.477 OF 2021

SHAMIM BANO SIDDHIK SAIYAD AND ORS.)...APPLICANT

V/s.

**SHRIRAM GENERAL INSURANCE COMPANY)
LIMITED THROUGH DIVISIONAL OFFICER)...RESPONDENT**

Mr.Pandit Kasar, Advocate for the Appellant.

Mr.Pritesh Bohade, Advocate for the Applicant in I.A.No.3289 of 2021 and respondent in F.A.No.477 of 2021.

CORAM : V. G. BISHT, J.

DATE : 17th 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 22nd January 2021 passed by the learned Member, MACT, Nashik in Motor Accident Claim Petition No.515 of 2011.

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 judgment and order and apportionment made in paragraph nos.3, 4 and 5 of the order dated 22nd January 2021 in Motor Accident Claim Petition No.515 of 2011.. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 Interim Application is allowed and stands disposed of accordingly.

6 Place the First Appeal for Admission on **17th March 2022.**

(V. G. BISHT, J.)