

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1027 OF 2022**

**IN**

**FIRST APPEAL (ST) NO.18404 OF 2019**

**AFSANA NAJAB HUSAIN SHAIKH AND ORS. )...APPELLANTS**

**V/s.**

**BOMBAY ELECTRIC SUPPLY AND TRANSPORT)**

**CORPORATION**

**)...RESPONDENT**

Mrs. Karishma Jhaveri i/by. Navdeep Vora and Associates,  
Advocate for the Appellant.

Mr. Niketan Nakhawa, Advocate for the Applicant in I.A.No.1006  
of 2022 and for the Respondent in F.A.(ST) No.92799 of 2020.

**CORAM : V. G. BISHT, J.**

**DATE : 26<sup>th</sup> 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 12<sup>th</sup> December 2018 passed by the

AVK

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learned Member, MACT, Mumbai in Motor Accident Claim Petition No.555 of 2013.

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 apportionment in paragraph no.2 in the judgment and award dated 12<sup>th</sup> December 2018 passed by the learned Member, MACT, Mumbai in Motor Accident Claim Petition No.555 of 2013. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.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 **30<sup>th</sup> March 2022.**

**(V. G. BISHT, J.)**