

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

**INTERIM APPLICATION NO. 3648 OF 2019
IN
FIRST APPEAL NO. 179 OF 2016**

Tushar Dilip Bhelke Applicant

In the matter between :-

The New India Assurance Co. Ltd. Appellant

v/s.

Tushar Dilip Bhelke and anr. Respondents

Mr. Shrikant Dange for the Appellant.

Mr. Bhavesh Magam i/b. Mr. Rajesh More for Respondent No.1.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th NOVEMBER, 2022.

P. C. :-

. This is an Application filed by the Respondent – original claimant for withdrawal of the compensation awarded by the Member, Motor Accident Claims Tribunal, Pune in M.A.C.P. No.95/2009.

2. Having considered the reasons stated in the Application and the grounds raised in the Appeal memo, the Respondent – original claimant is permitted to withdraw 50% of the compensation with proportionate interest accrued thereon.

3. Suffice it to say that withdrawal of the compensation is subject to the final outcome of the Appeal. The Respondent – original claimant shall file an undertaking before the Claims Tribunal that the Respondent shall refund the compensation with interest in the event the Appellant – Insurance Company succeeds in the Appeal.

4. Interim Application stands disposed of.

PREETI
H JAYANI

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(SMT. ANUJA PRABHUDESSAI, J.)