

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

**INTERIM APPLICATION NO. 126 OF 2019
IN
FIRST APPEAL NO.866 OF 2018**

Shri. Ganesh Narayan Tayade
By his next friend and wife
Sau. Meena Ganesh Tayade Applicant

In the matter between :-
United India Insurance Company Ltd.,
Thane Appellant

v/s.

Shri. Ganesh Narayan Tayade
By his next friend and wife
Sau. Meena Ganesh Tayade and anr. Respondents

Mr. Sachin K. Hande for the Applicant in IA/126/2019.
Mr. Nitesh V. Bhutekar a/w. Ayodhya Patki for the Appellant.
Ms. Kavita Anchan h/f. Mr. Vishal Dhende for Respondent No.1 in FA.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 01st JULY, 2022.**

P. C. :-

. By this Application, the Applicant/original claimant through his wife has sought withdrawal of the compensation deposited by the Appellant – Insurance Company as per the impugned judgment and award dated 28/04/2017 passed by the Member, MACT, Kalyan in Motor Accident Claim Petition No.34/2004.

2. Having considered the reasons stated in the Application and grounds raised in the Appeal memo, Applicant through his next friend - his wife is allowed to withdraw 50% of the compensation along with proportionate interest accrued thereon.

3. The Applicant shall file an undertaking before the Claims Tribunal, Thane that he shall refund the amount with interest in the event the Appellant – Insurance Company succeeds in the Appeal. The Tribunal to re-invest the balance amount of compensation in fixed deposit in any nationalized bank until further orders.

4. Interim Application stands disposed of.

**PREETI
H JAYANI**

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PREETI H JAYANI
Date: 2022.07.06
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(SMT. ANUJA PRABHUDESSAI, J.)