

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

FIRST APPEAL NO. 38 OF 2019

EFC Logistics India Private Limited ... Appellant

Versus

Bhimrao Gangadhar Borade and Ors. ... Respondents

**WITH
INTERIM APPLICATION NO. 1107 OF 2019
IN
FIRST APPEAL NO. 38 OF 2019**

Bhimrao Gangadhar Borade and Anr. ... Applicants

IN THE MATTER BETWEEN

EFC Logistics India Private Limited ... Appellant

Versus

Bhimrao Gangadhar Borade and Ors. ... Respondents

Ms. Sneha Agarwal i/b Lalit Jain, for Appellant in FA 38/2019 and Respondent No.2 in IA 1107/2019.

Mr. Sachin Gite, for the Applicants in IA/1107/2019.

Ms. Gargi Maideo i/b Vikrant Parshurami, for Respondent No. 3.

CORAM : V. G. BISHT, J.

DATE : 8th February, 2022.

PC:

Rekha Patil

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FIRST APPEAL NO. 38 OF 2019

Heard learned Counsel for both the parties.

2 Learned Counsel for the appellant submits that in view of the order dated 18th March, 2019, the appellant was directed to file private paper book within one year, however, the paper book came to be filed on 18th February, 2020 well before the time as directed vide order dated 18th March 2020. According to learned Counsel, despite that the Appeal came to be dismissed for non compliance of the order dated 18th March, 2019.

3 Presently the paper book is not forthcoming. The department is directed to place the same before the Court on the next date.

4 Stand over to **22nd February, 2022.**

INTERIM APPLICATION NO. 1107 OF 2019

The Applicants have moved the application for withdrawal of amount deposited by the original appellant pursuant to the judgment and order dated 15th June, 2018 passed by the learned Member, MACT and Extra Joint District Judge, Niphad, in Motor Accident Claim Petition No. 46 of 2015.

2 Heard learned counsel for both the parties.

3 In view of submissions made by learned counsel for the applicants, applicants are allowed to withdraw 50% of the compensation amount as per the judgment and order and apportionment made in para 2 of the Order dated 15/06/2018 passed in Motor Accident Claim Petition No. 46 of 2015.

4 In view of submissions made by learned counsel for the applicants, applicants are allowed to withdraw 50% of the compensation amount. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.

5 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 the nationalized bank.

6 Interim Application is allowed and accordingly disposed of.

(V. G. BISHT, J.)