

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 CIVIL APPLICATION NO.10958 OF 2023
IN
FAST/10792/2023 WITH CA/5120/2023 IN
FAST/10792/2023 WITH CA/5121/2023 IN
FAST/10792/2023 WITH FAST/10792/2023

SHABANA VAJIR SHAIKH
VERSUS
LAXMAN SAKHARAM ALKUNTE AND OTHERS

...

Advocate for Applicant: Mr. Deshmukh Mohit R.
Advocate for Respondent No.3:
Mr. Swapnil Patil h/f. Mr. R. H. Dahat

...

CORAM : ARUN R. PEDNEKER, J.
DATE : 31st AUGUST, 2023

PER COURT:

CA/10958/2023

1. The Motor Accident Claims Tribunal
awarded the claim of the claimant as under:

"

ORDER

1] The petition is partly allowed with costs.

2] Respondent no.1 to 3 shall jointly and severally pay the compensation of Rs.21,97,200/- [Twenty One Lacs Ninety Seven Thousands Two Hundreds only] to the claimant, within 60 days of this order, along with interest thereon @ 7% p.a. from the date of filing of the petition [i.e. 07.01.2020] till realization of

entire amount, inclusive of amount paid on account of "No Fault Liability" if any.

3] The respondents shall deposit the amount in the bank account of Motor Accident Claim Tribunal, Majalgaon Dist. Beed bearing Account No.40791954832;IFSC Code – SBIN0020035.

4] The claimant shall pay deficit court fee within a period of one month, failing of which the same shall be recovered as arrears of land revenue.

5] Award shall be drawn accordingly."

2. The first appeal is filed in this court challenging the award. The appellant has deposited entire amount along with interest of Rs.21,97,000/- approximately.

3. Having heard the learned counsel for the parties and that the appeal is only as regards the quantum of compensation, the applicant is permitted to withdraw 75% of the deposited amount along with accrued interest thereon, on usual undertaking. In the event, the applicant fails, she will refund the amount within six (06) weeks

of this court's judgment. The civil application for withdrawal of amount stands disposed of.

CA/5120/2023

4. For the reasons stated in the application for condonation of delay, the delay of 28 days in filing the first appeal is condoned. The civil application is disposed of.

CA/5121/2023

5. The stay granted earlier is made absolute and the application is also disposed of accordingly.

6. The first appeal is **admitted**.

[ARUN R. PEDNEKER, J.]

marathe