

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

**INTERIM APPLICATION NO.13445 OF 2023
IN
FIRST APPEAL NO.1175 OF 2010**

Vijay Arvind PoreApplicant

V/s.

Rupali Ramdas Deshmukh & Ors.Respondents

Mr.Priyal G. Sarda, for the Applicant.

Mr.Amay Pawar i/b Mr.P.J. Pawar, for Respondent Nos.1,2 and 4.

Ms.Jaya Shukla i/b Ms.Jyoti Bajpayee, for the Respondent No.5.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th DECEMBER 2023

P.C:-

. Heard learned counsel for the Applicant and learned counsel for Respondent Nos.1,2 and 4 and learned counsel for Respondent No.5.

2. The learned counsel for the Applicant submits that, this Court disposed of the Appeal filed by the Applicant by Order dated 4th May 2023. In the said Order this Court has directed the Insurance Company i.e. Respondent No.5 is liable to pay compensation as fixed by the Tribunal. The Respondent No.5

has not challenged the said Order as the Appeal was filed by the Appellant-Owner of the insured vehicle. While filing the Appeal before this Court the Applicant has deposited entire award amount of Rs.28,71,000/- before the Tribunal. As this Court has fixed liability on Respondent No.5 in Appeal and allowed the Appeal of Applicant. The Applicant be permitted to withdraw deposited amount alongwith interest.

3. The learned counsel for Respondent No.5 submits that, appropriate order be passed.

4. Considering the submissions of both learned counsel as well as order passed by this Court has not been challenged by Respondent No.5. Hence, Application is allowed in terms of prayer Clauses (a), (b) and (c). Application disposed of.

(SHIVKUMAR DIGE, J.)