

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 30596 OF 2022
IN
FIRST APPEAL NO. 395 OF 2020**

Smt. Vandana Vitthal Sakate
and Ors.

....Applicants

IN THE MATTER BETWEEN :

New India Assurance Co. Ltd.
Divisional Manager, Through
Mumbai Regional Office-I.
V/s.

....Appellant

1. Smt. Vandana Vithal Sakate
and Ors.

....Respondents

Mr. Dnyaneshwar W. Bhosale, Advocate for the applicant in
IA-30596/2022.

Mr. Sandeep Jinsiwale, Advocate for the respondent and for
appellant in FA.

CORAM : SANDEEP K. SHINDE, J.

TUESDAY, 3RD JANUARY, 2023.

P.C. :

1. Applicant's 22 year old son died in the vehicular accident in March, 2010. The learned Member, Motor Accidents Claim Tribunal, Pandharpur ordered the Opponents No.1 and 2 to pay compensation of Rs.7,50,000/- with interest at the rate of 6% p.a. from 30th April, 2012 by judgment and Award dated 22nd May, 2014. Feeling aggrieved by the said Award, New India Assurance Co. Ltd. has preferred this Appeal. Pursuant to Award, appellants have deposited Rs.9,49,669/- in Motor Accident Claim Tribunal, Pandharpur on 4th September, 2017. Applicants are seeking leave to withdraw part of the compensation amount.

2. Heard learned Counsel for the parties.

3. In consideration of the fact that applicants' 22 year old son had died in vehicular accident in 2010, I deem it appropriate to allow the applicants to withdraw Rs.4,00,000/- each with interest accrued thereon, till 31st December, 2022, on a usual Undertaking to be filed before the Motor Accidents Claim Tribunal, Pandharpur in M.A.C.P. No.69/2012 and remaining amount shall be invested in the Fixed Deposit with any nationalised Bank for a period of one year.

4. In view of the facts of the case, let First Appeal No. 395/2020 be listed for final hearing in the week commencing from 27th February, 2023.
5. Appellant shall file paper-book within four weeks from today.
6. Interim Application stands disposed of in the above terms.
7. All concerned to act on authenticated copy of this order.

(SANDEEP K. SHINDE, J.)