

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

**INTERIM APPLICATION NO. 18179 OF 2023
IN
FIRST APPEAL (ST.) NO. 6112 OF 2023**

Vandana Ganesh Nalawde and Another ... Applicants

IN THE MATTER BETWEEN

Bharti Axa General Insurance Co. Ltd. ... Appellant

versus

Vandana Ganesh Nalawde and Others ... Respondents

.....

Mr.Nitesh V. Bhutekar for the Applicants.

Ms.Varsha Chavan for the Appellant/ Insurance Company.

.....

**CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 22 DECEMBER 2023

P.C.:

Heard the learned Counsel for the parties.

2. In the appeal filed by the Appellant -Insurance Company, the Original Applicants have taken out the interim application for withdrawal of an amount of compensation deposited by the Insurance Company pursuant to the judgment and award dated 16 June 2022 passed by the learned District Judge-2 and Member, Motor Accident Claims Tribunal (the Tribunal), Kalyan in M.A.C.P. No. 137 of 2014.

3. The learned Counsel for the Original Applicants states that Applicant No.1 is a widow of Ganesh Nalawde and Applicant No.2 is 11 year old daughter of the deceased. Ganesh Nalawde expired in the road accident on 16 June 2014 and the Tribunal has granted compensation to the tune of Rs. 2,05,38,575/- along with interest as stipulated.

4. Considering these facts and circumstances, at present, Applicant No.1-Vandana Ganesh Nalawde is allowed to withdraw 50% of the amount as regards her share along with interest accrued thereon on an undertaking on affidavit that in case the Original Applicants do not succeed in this appeal, then she will redeposit the money which is permitted to be withdrawn.

5. The interim application is allowed and is accordingly disposed of.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)