

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.8652 OF 2024
with
FIRST APPEAL NO.303 OF 2023

Mr. Sambhaji Shankar Naikare (since deceased) Applicants
and 2 ors.

In the matter of

The New India Assurance Co.Ltd. Through the ... Appellant
Manager

versus

Mr. Sambhaji Shankar Naikare and ors. Respondents

Mr. Mahindra B. Deshmukh, Advocate for the Applicants/Respondent
Nos. 1 to 3.

Ms. Jyoti Bajpayee, Advocate for the Appellant.

CORAM : ARUN R. PEDNEKER, J.

DATE : 22nd JULY, 2024.

P.C. :

1. The first appeal was listed for withdrawal at the instance of the Insurance Company on multiple occasions, however, the learned counsel appearing for the Insurance Company has not received any instructions for withdrawal of the matter.

2. Interim Application No.8652 of 2024 is filed by the applicants/claimants for withdrawal of the amount deposited before the Motor Accidents Claim Tribunal, Thane, (for short "the Tribunal"). During

the pendency of the appeal, the original claimant No.1 expired and claimant Nos.2 and 3 are the legal heirs of the original claimant No.1.

3. Having heard the learning counsel appearing for the parties, the applicants are permitted to withdraw 50% of the amount deposited before the Tribunal in proportion of their share as well as the share of the original claimant No.1 along with accrued interest thereon subject to the undertaking to the satisfaction of the Presiding Officer of the Tribunal. The Tribunal to disburse the amount to the claimants. Interim Application is allowed and disposed of.

4. First Appeal No.303 of 2023 be listed on 13th August 2024.

(ARUN R. PEDNEKER, J.)