

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 717 OF 2015
WITH
CIVIL APPLICATION NO. 2359 OF 2014**

The National Insurance Co. Ltd.	... Appellant/Applicant
Vs.	
Hariba Shrirang Pawar & Anr.	... Respondents

**WITH
CIVIL APPLICATION NO. 2210 OF 2015**

Hariba Shrirang Pawar	... Applicant
in the matter between	
The National Insurance Co. Ltd.	... Appellant
Vs.	
Hariba Shrirang Pawar & Anr.	... Respondents

Ms. Poonam Mittal, Advocate for the appellant/applicant.
Mr. Pradeep S. Gole, Advocate for respondent no. 1 and applicant in CAF/2210/2015.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **2nd December, 2015**

P.C.:

Civil Application no. 2210 of 2015

This Application is moved for vacating the ad-interim order and also for withdrawal of amount deposited by the insurance company.

2. The learned counsel for the applicant submitted that he is not pressing any other relief except the relief of withdrawal of amount deposited by the insurance company.

3. The learned counsel for the insurance company opposed the

Application on the ground that the insurance company has merit in Appeal, as the judgment and award is challenged on the ground of quantum in respect of future prospects and percentage of disability.

4. It is an injury claim. Both the legs of the applicant were fractured and 40% disability is held by the Tribunal. Hence, the learned counsel for the applicant is allowed to withdraw Rs.6,50,000/- with undertaking to the satisfaction of the Tribunal. The remaining amount is to be invested in the fixed deposit in any nationalized bank.

5. Civil Application is disposed of.

Civil Application no. 2359 of 2014

The learned counsel for the applicant/insurance company prays for extension of stay granted by this Court to the judgment dated 22nd November, 2013 passed by the learned Member, Motor Accident Claims Tribunal Satara in M.A.C.P. No. 264 of 2011.

2. As the prayer for vacating the stay is not pressed by the original claimant, stay granted to continue till pending Appeal.

3. Civil Application is disposed of.

FIRST APPEAL NO. 717 OF 2015

Admit.

(MRIDULA BHATKAR, J.)