

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

**CIVIL APPLICATION NO.523 OF 2013
IN
FIRST APPEAL NO.2499 OF 2011**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.S.S.Chaudhari for the applicant

Mr.PG.Lad for the respondent

**CORAM : K.K.TATED, J.
DATED : 25/02/2015**

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by original claimant for withdrawal of the amount deposited by the appellant Insurance Company before the Tribunal pursuant to the order passed by this court on 24.1.2012 in Civil Application No.3486 of 2011.
- 3 The learned counsel for the applicant submits that in an accident which occurred on 16.2.1998 the applicant lost his mother. He submits that considering the evidence on record the Tribunal held that the claimants are entitled to compensation of Rs.3,20,000/- with 7% interest

p.a. He submits that the Tribunal allowed claimant no.2 Shobha Dadarao Shinde to withdraw 50% amount. He submits that applicant required the balance amount. He submits that applicant is having financial crises. He submits that the Applicant has good chance of success. He submits that if the Civil Application is not allowed, irreparable loss, harm and injury will be caused to the Applicant.

4 On the other hand the learned counsel for the appellant submits that if the amount is withdrawn by the claimants without furnishing any security and in case they succeed in the present First Appeal it will be very difficult for them to recover the said amount. He submits that the claimant may be directed to provide solvent security to the satisfaction of the Tribunal at the time of withdrawing the amount.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for withdrawal of the amount by providing solvent security to the satisfaction of the Tribunal. Hence, following order:

a) Applicant is entitled to withdraw his

share of compensation with accrued interest by providing solvent security to the satisfaction of the Tribunal within 12 weeks from today.

b) Civil application stands disposed off accordingly.

(K.K.TATED, J.)