

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

**CIVIL APPLICATION NO.2071 OF 2014  
IN  
FIRST APPEAL NO.2891 OF 2007**

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| 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.Omkar Paranjape a/w Mr.Niketan Nakhwa for the applicant

Mr.Ramesh K. Cheulkar for the respondent no.2

**CORAM : K.K.TATED, J.**  
**DATED : 06/02/2015**

**PC:**

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by claimant for withdrawal of the remaining decretal amount along with accrued interest and for fixing early date of hearing of First Appeal No.2891 of 2007.
- 3 The learned counsel for the applicant submits that the applicant has no source of income and he has to bear the expenses towards his prolonged medical treatment. For that purpose, the applicant has placed on record medical certificate of Dr.R.G.Khedekar dated 23.10.2013.

4 On the basis of these submissions, the learned counsel for the applicant submits that the applicant may be permitted to withdraw remaining amount deposited by Appellant Insurance Company.

5 In the alternative to this, the learned counsel for the applicant submits that hearing of First Appeal No.2891 of 2007 be expedited.

6 On the other hand, the learned counsel for the appellant Insurance Company submits that pursuant to order passed by this court, they deposited sum of Rs.8,33,595 in the Tribunal towards the awarded amount. He further submits that the applicant as per order dated 13.12.2007 passed by this court in Civil Application No.4911 of 2007 withdrew sum of Rs.3,33,438/-. He submits that if this court allows the applicant to withdraw remaining amount without furnishing any security then nothing will survive in the First Appeal. He submits that in the First Appeal the grievance of the appellant is that there is no basis for assessment of the disability to the extent of 80%. He further submits that the Tribunal has taken multiplier on the higher side. He further submits that compensation awarded by the Tribunal is on the higher side. On the basis of these facts, the

learned counsel for the applicant submits that there is no substance in the present Civil Application for withdrawal of the remaining amount and same be dismissed.

7 I have heard both the sides. Considering the submissions made by the learned counsel for the Applicant and as this court allowed the applicant to withdraw Rs.3,33,438, I do not find any reason to allow the applicant to withdraw further amount. Hence, following order:

- (a) Prayer clause (a) of the Civil Application is rejected.
- (b) Hearing of First Appeal No.2891 of 2007 is expedited.
- (c) Civil Application is disposed of accordingly.

**(K.K.TATED, J.)**