

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.397 OF 2015
IN
FIRST APPEAL NO.651 OF 2008

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. Niketan Nakhwa i/b. A. M. Gokhale for the Applicant
Mr. D. R. Mahadik i/b. S. R. Singh for the Respondent.

CORAM : K. K. TATED, J.
DATE : APRIL 17, 2015

P.C.:

1. Heard. This Application is preferred by the claimant for the following two reliefs:

- I) For early hearing of the First Appeal.
- II) For withdrawal of the compensation amount.

2. The learned counsel for the Applicant submits that the Applicant is a senior citizen and he require further amount for his medical expenses. Therefore, this Hon'ble Court be pleased to allow the Applicant to withdraw the remaining amount deposited by the Appellant Insurance Co.

3. On the other hand, the learned counsel for the Appellant Insurance Co. vehemently opposed the Civil Application. He submits that this court (Coram : Anoop V. Mohta, J.) by order dated 01/04/2008 allowed the Applicant claimant to withdraw sum of Rs.70,000/- without furnishing any security. At that time, the court did not grant any liberty to the Applicant to make an Application for withdrawal of the further amount. Hence, there is no substance in the present Civil Application. The Civil Application be dismissed with costs.

4. It is to be noted that by order dated 01/04/2008 this court has allowed the Applicant to withdraw sum of Rs.70,000/-. The Court did not grant any liberty to the Applicant to prefer further Application for withdrawal of the amount. Hence, prayer clause (b) of the Civil Application required to be rejected.

5. The Applicant is a senior citizen. Considering this fact, prayer clause (a) can be granted.

6. Hence, the following order:

a. Civil Application is allowed in terms of prayer clause (a) which reads thus:

(a) Applicant being a senior citizen, the present First Appeal may be listed for final hearing in the senior citizen's category.

(b) Prayer clause (b) is rejected.

(c) Civil Application stands disposed off accordingly.

JUDGE