

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3844 OF 2015
IN
FIRST APPEAL (ST.) NO.31178 OF 2015

The New India Assurance Company Limited ... Appellant
vs.
Amit Shantilal Kamble and Another ... Respondents

WITH
CIVIL APPLICATION NO.587 OF 2016
IN
FIRST APPEAL (ST.) NO.31178 OF 2015

Amit Shantilal Kamble ... Applicant
In the matter between
The New India Assurance Company Limited ... Appellant
vs.
Amit Shantilal Kamble and Another ... Respondents

Mr. D.R. Mahadik, for the Appellant.
Mr. T.J. Mendon, for Respondent No. 1.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **12th FEBRUARY, 2016**

P.C.:

C.A. 3844 OF 2015 :-

. This application is moved for condonation of delay of 32 days in filing the Appeal. The learned counsel for the Respondent No. 2 Central Bank of India is served.

2. Considering the short delay of 32 days and the reasons mentioned in para 2 of the application, the delay is hereby condoned. The Appeal be registered.

3. Accordingly the Civil Application No. 3844 of 2015 stands disposed of.

C.A. 587 OF 2016 :-

4. This application is moved for withdrawal of the amount. The learned counsel for the Insurance Company submits that the Insurance Company has deposited the amount. The learned counsel for the Applicant submits that the Tribunal has fixed the amount of compensation of Rs. 8,11,000/- with interest @ 7.5% p.a. He submitted the applicant has undergone a surgical operation and spent specific amount. He also needs money for the future medical expenses. The learned counsel for the Insurance Company opposes the application.

5. In view of the submissions of both the learned counsel, I am inclined to allow the application. The Applicant is allowed to

withdraw Rs. 4 lacs out of the deposited compensation amount upon furnishing usual undertaking before the Tribunal.

6. Accordingly the Civil Application No. 587 of 2016 stands disposed of.

(MRS.MRIDULA BHATKAR, J.)