

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

CIVIL APPLICATION NO.2478/2015  
IN  
FIRST APPEAL NO. 1569/2010

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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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Ms. Jyoti Pandey for the Applicant  
Mr. T. J. Mendon for the Respondent No.1.

**CORAM : K. K. TATED, J.**  
**DATE : JANUARY 7, 2016**

**P.C.:**

1. Heard. This Application is made by the claimant for withdrawal of the amount deposited by the Insurance Company in the Tribunal.

2. The learned counsel for the Applicant submits that in an accident which occurred on 02/04/2000 the Applicant sustained multiple fracture injuries and because of that he suffered 30% disability. On the date of accident, he was 44 years old and was selling vegetables. He submits that because of the accident the Applicant has to stop his vegetables business. Hence, the Applicant made Application u/s.166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.2 lacs with

interest. He submits that considering the evidence on record, the Tribunal has awarded Rs.1,97,267/- with interest @ 7.5% p.a.

3. The learned counsel for the Applicant submits that it is very difficult for the Applicant to maintain her day to day expenses because of 30% disability. He submits that this Hon'ble Court be pleased to allow the Applicant to withdraw the amount awarded by the Tribunal. He further submits that this Hon'ble Court be pleased to allow the Applicant to withdraw 50% amount including the amount of Rs.75000/- which was allowed to be withdrawn by this court by order dated 25/10/2010 without furnishing any security.

4. On the other hand, the learned counsel for the Insurance Company submits that this court, by order dated 25/10/2010, already allowed the Applicant to withdraw sum of Rs.75000/- by way of compensation. Hence, there is no question of entertaining the Application by which the Applicant is seeking an order for withdrawal of the entire awarded amount deposited by them. Hence, there is no substance in the Civil Application. Same be dismissed with costs.

5. Considering the submissions made by the learned counsel for the Applicant and as the Applicant has sustained 30% disability because of the accident in question, I am of the opinion that the Applicant may be permitted to withdraw 50% amount including a sum of Rs.75000/- which was already allowed to be withdrawn by this Court by order dated 25/10/2010.

6. Hence, following order is passed:

a. Civil Application is partly allowed.

b. The Applicant is allowed to withdraw 50% of the awarded amount including a sum of Rs.75,000/- which was already allowed to be withdrawn by this Court by order dated 25/10/2010, without furnishing any security, subject to outcome of the First Appeal.

c. The Tribunal is directed to invest the remaining amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till hearing and final disposal of the appeal.

d. Civil Application stands disposed off accordingly.

**JUDGE**