

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2744 OF 2016
IN
FIRST APPEAL NO.1203 OF 2016

Arvind Narsinh Gambhir	 Applicant
V/s.	
Reliance General Insurance Co. Ltd.,	
Goregaon, Mumbai & Anr.	 Respondents

Mr. Y.P. Narvankar for the Applicant-Original Respondent No.1.

Ms. Deepika Motagi, i/by M/s. Res Juris, for the Respondent-Original Appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER 2016.

P.C. :

1. Heard learned counsels for the parties.

2. This is an application seeking withdrawal of the amount of compensation, as deposited by the appellant-Insurance Company in M.A.C.T., Pune in M.A.C.P. No.337 of 2013. It is submitted that the applicant is running the age of 75 years. He is husband of the Deceased. For medical expenses of the Deceased, he has to incur substantial amount and now he requires some money for his maintenance.

3. Learned counsel for the appellant-Insurance Company opposes this Civil Application on the ground that the defence is of total absolution, as it was of non-involvement of the impugned vehicle in the accident.

4. Learned counsel for the applicant points to paragraph Nos.12 and 13 of the impugned Judgment, in which the Trial Court has considered this aspect.

5. Apart from this, considering that the applicant is already 75 years of age and needs money for his maintenance and the First Appeal is not likely to be heard in near future, the applicant is permitted to withdraw 50% of the amount of compensation, as deposited by the appellant-Insurance Company in M.A.C.T., Pune in M.A.C.P. No.337 of 2013, without furnishing any security, but, subject to furnishing usual undertaking.

6. Civil Application stands disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]