

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

CIVIL APPLICATION NO.2539 OF 2016

IN

FIRST APPEAL STAMP NO.1047 OF 2016

Sou. Sandhya Murlidhar Kenjale

.. Applicant

IN THE MATTER BETWEEN

National Insurance Co. Ltd.

.. Appellant

Versus

Sandhya Murlidhar Kenjale and another

.. Respondents

Mr. V. R. Gaikwad for the Applicant/original Respondent No.1

**Mr. Sanjay Krishnan i/by Ms. Harshada M. Rane for the Respondent/
original Appellant.**

CORAM : R.M. SAVANT, J.

DATE : 24th JUNE 2016

PC.

1. The above Civil Application has been filed for withdrawal of further amount from the amount deposited by the Insurance Company in the Trial Court as a consequence of the Award passed against it by the MACT, Satara. It seems that the Applicant Sou. Sandhya Murlidhar Kenjale has suffered 85% disability on account of an injury to her skull. It is the case of the Applicant that she requires the amount for her medical

treatment having regard to the nature of the injury that she has suffered. It has also been stated that a nurse is required for her assistance. This Court in Civil Application NO.117 of 2016 by order dated 13.01.2016 had permitted withdrawal of Rs.20,00,000/- from the amount deposited by the Insurance Company. In the order passed on the said day, liberty was granted to the Applicant to file an application for withdrawal of further amount that is how the instant Civil Application is filed.

2. In my view, having regard to the nature of the injury that the Applicant has suffered and considering that the disability is to the extent of 85% for which she requires medical assistance as well as personal assistance, it would be just and proper to allow the Civil Application to the extent of permitting the Applicant to withdraw a further amount of Rs.7,00,000/- from the amount lying in deposit in the Trial Court. However, it is made clear that the balance amount would continue to remain in the fixed deposit as may be invested by the MACT, Satara. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]