

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2901 OF 2016
IN
FIRST APPEAL STAMP NO.34046 OF 2013

Mr. Haji Hasan Ali Mohammed Dokadia .. Applicant

IN THE MATTER OF

The New India Assurance Co. Ltd. .. Appellant

Versus

Mr. Haji Hasan Ali Mohammed Dokadia
and another .. Respondents

Shri. T. J. Mendon for the Applicant.

Shri. D. R. Mahadik for the Respondent/Appellant.

CORAM : R.M. SAVANT, J.
DATE : 4th JULY 2016

PC.

1. The above Civil Application has been filed seeking withdrawal of the amount deposited by the Appellant i.e. Insurance Company in terms of the Award passed by the MACT, Mumbai. The amount deposited is in the sum of Rs.6,41,953/- which comprises the principal amount of Rs.3,85,666/- alongwith interest at the rate of 7.5% per annum. As a consequence of the accident, the right leg of the Applicant has been amputated from below the knee. The accident took place in the year 2001 and the Applicant is now 76 years of age. One of the grounds on which the

Award passed by the MACT, Mumbai is challenged in the above First Appeal is the ground that the insurance policy produced by the Applicant is a fake policy. The said case has not been accepted by the MACT, Mumbai who held the Appellant/Insurance Company liable. Since the principal amount is Rs.3,85,666/-, in my view, it would be just and proper to permit the Applicant to withdraw an amount of Rs.2,50,000/- without security and an amount of Rs.1,50,000/- on furnishing security to the satisfaction of the MACT, Mumbai. The above Civil Application is allowed to the aforesaid extent and disposed of. The balance amount to be deposited by the MACT, Mumbai in a fixed deposit of a Nationalized Bank initially for a period of one year. The withdrawal of the amount without security would be subject to the result of the above First Appeal.

[R.M. SAVANT, J]