

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3127 OF 2016
IN
FIRST APPEAL NO.579 OF 2015

Shubham Ramchandra Kadam	 Applicant
<i>In the matter between</i>	
National Insurance Co. Ltd., Mumbai	 Appellant
<i>Versus</i>	
Chhaya R. Kadam & Ors.	 Respondents

Applicant is present in the Court.

Mr. Sainand V. Chaugule for the Applicant.

Mr. Amol Gatne for Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 20TH AUGUST 2016.

P.C. :

1. This Civil Application is preferred by the applicant - original claimant No.2 seeking withdrawal of the amount of Rs.10,00,000/-, without furnishing any security. It is submitted that, in the present proceedings, which is an Appeal against the award of compensation, as passed by the M.A.C.T., Thane, the appellant-Insurance Company has deposited total amount of Rs.57,79,135/-, inclusive of the interest. Out of the said amount, by an order passed by this Court on 17th April 2015, the widow of

the Deceased, namely, Chhaya, was permitted to withdraw the amount of Rs.10,00,000/-, with interest accrued thereon, without furnishing any security.

2. Now it is submitted that the applicant – Shubham is the son of the Deceased and he has recently met with an accident and has to incur substantial sum towards the medical treatment. It is urged that he is in urgent need of the amount of Rs.10,00,000/- for discharging his medical liability.

3. A submission is also advanced by learned counsel for the applicant that, in paragraph Nos.8 and 9 of the Appeal Memo, the appellant-Insurance Company has accepted its liability to the extent of Rs.28,56,990/-. The First Appeal is only to challenge the quantum of compensation.

4. Considering the submissions, therefore, made by learned counsel for the applicant - Shubham and the requirement of the amount for his medical expenses, I am satisfied that the applicant has made out a case for withdrawal of some amount. Hence, the following order :-

“O R D E R”

Applicant – Shubham Ramchandra Kadam is permitted to withdraw a sum of Rs.10,00,000/- [Rupees Ten Lakhs only], without accrued interest thereon, without furnishing any security.

5. The Civil Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]