

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3051 OF 2016
IN
FIRST APPEAL NO.1362 OF 2016

Vijaybahadur Rampyare Kewat .. Applicant
-Versus-
Reliance General Insurance Co. Ltd. & Ors. ..Respondents

Ms. Rina Kunder for applicant/ original respondent No.1
Ms. Dipika Motgi i/b. Res Juris for respondents/ original appellants

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 3rd October 2016.

P.C.

1] This is an application preferred by the claimant seeking withdrawal of the amount of compensation as deposited by the insurance company with the tribunal. It is submitted that the applicant was injured in the accident and as a result thereof, he has become incapacitated to earn any income. He has also incurred substantial expenses for his medical treatment and, hence, he needs money urgently.

2] Learned Counsel for the respondent insurance company submits that the defence of the insurance company is of denial of employer employee relationship and also the Cleaner having no valid licence.

Considering the fact that the applicant needs some money for medical expenses and also having regard to the fact that appeal is not likely to be heard immediately, it being of the year 2016, the applicant is permitted to withdraw 30% of the amount of compensation subject to the furnishing usual undertaking that if the appeal goes against him, he shall return the amount with interest.

(DR. SHALINI PHANSALKAR-JOSHI, J)