

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3880 OF 2016
IN
FIRST APPEAL ST.NO.32217 OF 2015

Ganesh Mallhar Gawali .. Applicant
Versus
Reliance General Insurance Co. Ltd. .. Respondent

Ms. Priti Pandey i/b. Res Juris for respondent/orig.appellant
Mr. T.J.Mendon for applicant/ origi. respondent No.1

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th August 2016.

P.C.

1] This application is preferred by the original claimant seeking withdrawal of entire amount of compensation as deposited by the insurance company with the tribunal.

2] It is submitted that the applicant has incurred substantial expenses for his medical treatment. More over, he is not having any income at present as due to the accident, he is rendered totally incapacitated to do any work. Hence, the applicant may be permitted to withdraw the amount of compensation deposited by the insurance company . It is urged that the total amount of compensation deposited by the insurance company is

Rs.8,61,000/- along with accrued interest at 7.5 percent p.a.

3] Learned Counsel for the respondent has opposed this applicant by submitting that it is the case of total exoneration of insurance company from its liability and the driver of the vehicle was not holding any valid and effective licence at the time accident.

4] After considering that this dispute can be raised by the insurance company that the driver of the vehicle did not possess valid licence, can recover the said amount from the driver. At this stage, having regard to the expenses of Rs.3 lakhs incurred by the applicant towards his medical treatment and having regard to the fact that the appeal is not likely to be heard finally in near future, the applicant is permitted to withdraw 50% of the amount of compensation deposited with the tribunal, subject to furnishing usual undertaking.

5] Registry is directed to transfer the amount of Rs.25,000/- deposited in this Court to the Tribunal at Mumbai. Application is disposed of accordingly.

(Judge)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.445 OF 2016
IN
FIRST APPEAL ST.NO.32217 OF 2015

Reliance General Insurance Co. Ltd. .. Applicant
-Versus-
Ganesh Malhar Gawli & Anr. ..Respondents

Mr. T.J.Mendon for respondent No.1
Ms. Priti Pandey i/b. Jes Juris for applicant

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th August 2016.

P.C.

1] As per the order passed by this Court on 5th February 2016 the ad-interim stay granted to the operation and execution of the impugned judgement and award subject to the condition of applicant depositing the entire decretal amount along with accrued interest thereon within a period of six weeks from today.

2] Office noting shows that the applicant has already deposited the entire amount within the stipulated period. In view thereof, the ad-interim order of stay granted earlier is made absolute till the decision of this appeal. Civil application is accordingly disposed of.

(JUDGE)