

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 869 OF 2016

IN

FIRST APPEAL (ST) NO. 8903 OF 2013

1. Shri. Umesh Sandipan Devkar .....Applicant  
(Orig. respondent no.1  
in First Appeal (St).No.  
8903 of 2013)

**IN THE MATTER OF FIRST APPEAL NO. (ST) 8903 OF 2013**

The National Insurance Company Limited .....Appellant  
(Original Insurer)  
v/s.

1. Shri. Umesh Sandipan Devkar .....Respondent no.1  
(Original Applicant)
2. Shri. Pradeep D. Gandhi .....Respondent no.2  
(Original Opponent no.1)

\* \* \* \* \*

Mr. Atul B.Gatne, Advocate for the applicant in CAF-2395-2013.

Ms. Rina Kundu, Advocate for respondent no.1 in CAF-2395-2013 &  
applicant in CAF-869-2016.

**Coram :- Smt. R.P. SondurBaldota, J.**

**1<sup>st</sup> April, 2016.**

**P.C. :-**

- 1). This Civil Application is by the claimant for withdrawal of the

compensation awarded to him for the permanent partial disability suffered by him on account of the injuries suffered in motor vehicle accident. The Tribunal has awarded him compensation of Rs.6,44,621/- with interest at the rate of 7% p.a. from the date of the application till realisation. The appellant has deposited a sum of Rs.9,07,943/- in the Tribunal, Thane pursuant to the condition imposed for grant of ad-interim stay of execution of the Award. After grant of ad-interim reliefs, the appeal has been pending for admission for a considerable long time. The challenge by the appellant to the impugned Award is limited to the appropriateness of the compensation awarded. Taking that into consideration, in my opinion, the interest of justice would be served if the applicant is permitted to withdraw a sum of Rs.7,00,000/- from the deposit made in the Tribunal. The Civil Application is therefore disposed off with liberty to the applicant to withdraw a sum of Rs.7,00,000/- deposited by the applicant in the Motor Accidents Claim Tribunal, Thane.

**(SMT. R.P. SONDURBALDOTA, J)**