

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

CIVIL APPLICATION NO. 813 OF 2016
IN
FIRST APPEAL (STAMP) NO. 11559 OF 2015

Shri Amey Abhay Mogre .. Applicant

In the matter between

Reliance General Insurance Co. Ltd. .. Appellant

Vs.

Shri Amey Abhay Mogre & Anr. .. Respondents

Ms. Deepika Motagi i/b Res Juris for the Appellant/.

Mr. S. S. Vidyarthi for Applicant/Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st OCTOBER, 2016.

P. C. :

1. This is an application filed by the original claimant seeking withdrawal of the entire amount of compensation as awarded by the Tribunal and deposited in the Court. It is submitted that the applicant has suffered traumatic paraplegia with bladder and bowel involvement coupled with lung collapse apart from other injuries. He is still bed ridden and not in a position to stand, sit or walk and substantial expenses were incurred for his medical treatment and as on today also, the applicant needs the medical treatment. He is having no source of income and hence it is requested that the applicant may be permitted to withdraw the entire amount of compensation.

2. Learned counsel for the respondent-Insurance Company

submits that the award is challenged on the ground of quantum and total exoneration.

3. In view thereof, having regard to the requirement of the applicant, especially, his condition and the medical expenses incurred by the applicant, the applicant is permitted to withdraw 50% of the amount of compensation as deposited by respondent No.2 Insurance Company with the Tribunal on furnishing of usual undertaking but without any security.

4. The Civil Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]