

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO. 409 OF 2017
IN
FIRST APPEAL NO. 17 OF 2017

SHRI. SWAJAY @ AMAR NARAHARI
BHOSLE AND 2 ORS. ... Applicants
Versus
THE NEW INDIA ASSURANCE CO. LTD. ... Respondent

shri Narayan Dattaram Govekar, Advocate for the Applicants.
Shri A.S. Kakodkar, Advocate for the Respondent.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 9th June, 2017

P.C.:

The applicant seeks the release of the amount of ₹15,00,000/- from the awarded sum of ₹18,21,000/- and deposited by the original appellant in this Court. The grounds urged by the applicant for such relief pending the hearing of the appeal is that he had availed loan from the relatives and friends and also from the bank to meet his medical expenses to undergo surgery on his leg. Besides, it was his case that he was rendered jobless and had no means for survival except for the amount which was awarded by the MACT and deposited by the insurer in this Court. Considering the grounds urged by the applicant in his application on having incurred a substantial expense towards his medical treatment

and that he has to meet the loan liability of the relatives apart from the private banking institution and further as the respondent too has not seriously controverted the contents of the application, i am inclined to allow the release of the money more so taking into consideration the undertaking given by the applicant at para 12 of his application that he would refund the amount in the event the amount was reduced finally or depending on the outcome of the appeal.

2. The application is therefore allowed permitting the applicant to withdraw the amount of ₹15,00,000/- from that deposited by the insurer in this Court pending the hearing and disposal of the appeal finally. The applicant shall give the undertaking before the Registrar of this Court in terms of para 12 of his application.

3. Application stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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