

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (ST.) NO. 23056 OF 2015
WITH
CIVIL APPLICATION NO. 1323 OF 2016
IN
FIRST APPEAL (ST.) NO. 23056 OF 2015**

Shri.Satyadev Yadvendra Singh ...Applicant

Versus

The New India Assurance Co. Ltd. ...Respondent

.....

Mr. T.J.Mendon for the Applicant.

Mr. Devendranath S.Joshi for the Respondent.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 26, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved for withdrawal of an amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 15.09.2014 passed by the learned District Judge -07 & Addl. Member, Motor Accident Claims Tribunal, Thane, in M.A.C.P. No.547 of 2008.
3. The learned counsel for the applicant submitted that this is an injury claim. The applicant/original claimant has spent money on his treatment and, therefore, he be allowed to withdraw the entire amount deposited by the insurance company.

4. The learned counsel for the appellant/insurance company while opposing this application, has submitted that this is an injury claim and the insurance company has good case on merits.

5. In view of the above and the reasons mentioned in the application, the applicant is allowed to withdraw 50% of the amount deposited by the insurance company on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is allowed and is accordingly disposed of.

.

(MRIDULA BHATKAR, J.)