

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2244 OF 2017
IN
FIRST APPEAL NO.168 OF 2015

Shri Tukaram Mahadu Ghuge ... Applicant

IN THE MATTER OF:

Bajaj Allianz General Insurance Co. Ltd. ... Appellant

Vs.

Shri Tukaram Mahadu Ghuge & anr. ... Respondents

Mr.R.S. Pawar for Applicant

Mr.Milind Sathaye for the Appellant / Insurance Company

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 27th SEPTEMBER, 2017

P.C.:

1. This application is moved by the original claimant for withdrawal of the amount deposited by the appellant/insurance company pursuant to the order of the Motor Accident Claims Tribunal, Nasik, dated 8.2.2013.

2. The learned Counsel for the applicant / claimant submits that it is an injury claim. The applicant has suffered fracture and a steel rod

is inserted in his right leg. He submits that the applicant has suffered 25% permanent disability. He also submits that the applicant has spent money towards his medical treatment and till today, no amount is withdrawn. It is, therefore, prayed that the applicant be allowed to withdraw the amount deposited by the insurance company.

3. Learned Counsel for the appellant – insurance company is present and opposed the application.

4. In view of the submissions, an amount of Rs.150,000/- (Rupees One Lakh Fifty Thousand only) is allowed to be withdrawn by the applicant, upon furnishing the usual undertaking before the Registrar, Motor Accident Claims Tribunal, Nasik. The remaining amount to be deposited in a Fixed Deposit of a nationalised bank pending the appeal.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)