IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2331 OF 2017
IN
FIRST APPEAL ST. 16461 OF 2015

Shri Niral Ratibhai Patel & Ors. … Applicant/Claimant

IN THE MATTER BETWEEN:

The New India Assurance Co. Ltd. … Applicant/Appellant
Vs.
Shri Niral Ratibhai Patel & Ors. ... Respondents

Mr.R.S. Pawar for Applicant/Claimant
Ms.Poonam Mittal for the Appellant – Insurance Co.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 16, 2017**

P.C.:

1. This application has been filed by the original Claimant for withdrawal of the amount deposited by the Insurance Company.

2. The learned Counsel for the applicant/original claimant submitted that the claimant has suffered dislocation of left knee joint with fracture and 40% permanent disability.

3. The learned Counsel for the Insurance Company has opposed the application and submitted that the Insurance Company has good defence and especially of contributory negligence.

4. Heard. Perused the application. The applicant/claimant is allowed to withdraw an amount of Rs.1,75,000/- on furnishing usual personal undertaking before the Registrar, Motor Accident Claims Tribunal, Nasik. The remaining amount shall be invested by the Registrar, Motor Accident Claims Tribunal in a fixed deposit of a nationalised bank till the hearing of the appeal.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)