

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

**FIRST APPEAL NO. 1435 OF 2016
WITH
CIVIL APPLICATION NO. 4117 OF 2016
IN
FIRST APPEAL NO. 1435 OF 2016**

Reliance General Insurance Co. Ltd. ...Applicant

Versus

Sau.Mohini Praful Manchalvar & Anr. ...Respondents

**WITH
CIVIL APPLICATION NO. 3981 OF 2017
IN
FIRST APPEAL NO. 1435 OF 2016**

Sou. Mohini Praful Manchalvar ...Applicant

IN THE MATTER OF

Reliance Gen. Ins. Co. Ltd. ...Appellant

Versus

Sou. Mohini Praful Manchalvar & Anr. ...Respondents

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Ms. Poonam Mital for the Original Appellant in FA.
Mr.T.J.Mendon for the Applicant in CAF No. 3981 of 2017 and for
Respondent No.1 in FA.

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CORAM: MRS.MRIDULA BHATKAR, J.
DATE : DECEMBER 13, 2017

P.C.:

CIVIL APPLICATION NO. 4117 OF 2016

1. By this Civil Application, the applicant/insurance company seeks stay to the execution and implementation of the impugned judgment and award dated 29th March, 2016 passed by the Motor Accident Claims Tribunal, Raigad-Alibag, in M.A.C.P. No. 255 of 2011.

2. The learned Counsel for the applicant submits that the applicant/insurance company has deposited the entire decretal amount alongwith interest accrued thereon.

3. In view of this submission, the execution and implementation of the impugned judgment and award is stayed till the final disposal of the Appeal.

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

CIVIL APPLICATION NO. 3981 OF 2017

5. This Application is moved for withdrawal of an amount deposited by the original appellant pursuant to the judgment and award dated 29th March, 2016 passed by the Motor Accident Claims Tribunal, Raigad Alibag, in M.A.C.P. No. 255 of 2011. The learned Member has granted compensation of Rs. 55,19,711/- along with interest @ 7.5% p.a.

6. The learned counsel for the applicant submitted that it is an injury claim. The applicant met with an accident on 1st May, 2009. She is suffering from paraplegia. He has further submitted that the applicant has incurred lots of expenses on medical treatment. He has further submitted that the applicant has sustained very serious injuries. There was fracture of thoracic spine (D3, D4) which has been resulted into paraplegia and completely disabled. The tribunal has granted compensation of Rs. 55,19,711/- along with interest @7.5% p.a. to the claimant. Out of the said amount, an amount of Rs.15 lakhs is to be invested in the name of the applicant in any nationalized bank for a period of five years. He has further submitted the applicant needs money for further treatment and survival.

7. The learned counsel for the appellant/insurance company submitted that the appellant has a very good ground to succeed in the Appeal.

8. Considering the judgment and award and the submissions, the applicant is allowed to withdraw an amount of Rs. 20 lakhs along with interest accrued thereon on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)