

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

**CIVIL APPLICATION NO. 3214 OF 2015
IN
FIRST APPEAL NO. 54 OF 2016**

Ramnihor Bishveshwar Saket ...Applicant

IN THE MATTER OF

HDFC Chubb Gen. Ins. Co. Ltd. ...Appellant

Versus

Ramnihor Bishveshwar Saket & Anr. ...Respondents

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Mr.T.J.Mendon for the Applicant.

Ms.Uttara Thatte i/b. Mr.M.M.Sathaye for the Original Appellant in FA.

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

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved by the applicant/original claimant for withdrawal of an amount of Rs. 4,44,062/- along with interest @6% p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 14th February, 2011 passed by the learned Chairman, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 1851 of 2004.

3. The learned counsel for the applicant submitted that the applicant is injured and disabled and, therefore, he needs money for survival.
4. The learned counsel for the original appellant/insurance company while opposing this application, has submitted that the insurance company has good case on merits especially on the point of percentage of disability and incorrect multiplier.
5. Considering the facts of the case and the submissions, the applicant is allowed to withdraw 50% of the amount of compensation along with interest accrued thereon 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.)