Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1111 OF 2017

IN

FIRST APPEAL (ST) NO.32228 OF 2014

Nitin Shamrao Anuse Through his next friend wife Surekha Nitin Anuse …Applicant

Versus

The National Insurance Co Ltd …Respondent

Mr Akshay Shinde, *for the Applicant.*
Ms Bhakti Barve, *for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 4th July 2017

PC:-

1. This is a Civil Application for leave to withdraw the amount deposited, i.e. Rs.13,13,371/-. The Applicant is the original Claimant. The Applicant has suffered 100% disablement from loss of eyesight and has also been rendered incapable of duty or work. He has also incurred significant medical expenses.

2. The Appellant argues that the disability is not 100%. This overlooks the fact that before the Tribunal the Claimant led the

evidence of a medical expert and this is noted in paragraph 9 of the impugned order.

3. Having regard to these circumstances, I will allow the Applicant to withdraw at present Rs.9,00,000/- without security or without furnishing an undertaking. The Motor Accident Claims Tribunal, Kolhapur will act on production of an authenticated copy of this order and will permit the withdrawal.

4. The Civil Application is disposed of in these terms. No costs.

(G. S. PATEL, J.)