

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3476 OF 2017
IN
FIRST APPEAL st. NO.20687 OF 2017

Shri Basavraj Shankar Nawalgunde ... Applicant

IN THE MATTER OF:

The National Insurance Co. Ltd. ... Appellant

Vs.

Shri Basavraj Shankar Nawalgunde & Ors. ... Respondents

Mr.S.G. Thorat for the Applicant

Mr.Sanjay Krishnan i/b H.M. Rane for Appellant in FA

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

DATE: **NOVEMBER 8, 2017**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved by the injured claimant for withdrawal of the amount of compensation granted by the learned Member, Motor Accident Claims Tribunal, Kolhapur vide order dated 31.12.2016 for Rs.16,78,882/- with interest @ 9% p.a.
3. The learned Counsel for the applicant submits that the applicant has lost his right leg in the accident and needs money to meet expenditure incurred for the treatment and also for future treatment.

4. Learned Counsel for the insurance company while opposing the application submitted that there is no 100% functional disability.
5. In view of the submissions and considering the judgment and award of the Tribunal, the application is allowed and the applicant is allowed to withdraw Rs.10 lakhs alongwith interest accrued thereon, subject to furnishing usual undertaking to the satisfaction of the Registrar, Motor Accident Claims Tribunal, Kolhapur. The remaining amount shall be invested in a fixed deposit of a nationalised bank.
6. Civil Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)