

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4377 OF 2016
IN
FIRST APPEAL (ST.) NO. 28734 OF 2011

Bijulal V. Purushothaman ... Applicant
Vs.
United India Insurance Co. Ltd. ... Respondent

Mr. Avinash M. Gokhale, Advocate for the applicant.
Mr. Rahul Mehta i/b. KMC Legal Venture, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **26th September, 2017.**

P.C.:

This Application is moved for withdrawal of an amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 18th August, 2010 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in Application No. 1928 of 2000.

2. The learned counsel for the applicant submitted that since 2010 the applicant did not receive any money. The applicant has paid money towards the expenses as indoor patient in the hospital for 13 days. He has sustained fracture of right femur and other injuries.

Therefore, he be allowed to withdraw the entire amount deposited by the insurance company.

3. The learned counsel for the appellant/insurance company submitted that the insurance company has a very good ground to succeed in the Appeal. There was no insurance coverage for the vehicle which met with the accident.

4. Considering the judgment and award and the submissions, the applicant is allowed to withdraw 50% of the amount deposited by the insurance company on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)