

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 3698 OF 2017
IN
FIRST APPEAL (St.) No. 14970 OF 2017

Sumit Vinit Magar ... Applicant
Vs.
M/s. Bajaj Alliance General Insurance Co. Ltd ... Respondent

Mr. T.S. Ingale, Advocate for applicant.
Mr. D.S. Joshi, Advocate for the respondent/original appellant.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 12th December, 2017.

P.C.:

Upon mentioning, taken on production board.

2. This Application is moved by the applicant/original claimant for withdrawal of the amount of compensation. The learned Member, Motor Accident Claims Tribunal, Nashik by judgment and award dated 7th February, 2017 in M.A.C.P. No. 736 of 2009 granted compensation of Rs.25,03,337/- with interest @ Rs.6% p.a.

3. The learned counsel for the applicant submitted that the applicant is a injured boy and he was 8 years old on the date of accident, i.e., on 15th May, 2009. The learned counsel submitted that the applicant has sustained brain injury in the accident and he is

paraparesis since the date of the accident. The learned counsel submitted that till today, no amount is withdrawn.

4. The learned counsel for the respondent/insurance company while opposing this Application submitted that the offending bus was in stationery position at the right side and the maruti car in which the injured was travelling, rammed into the bus. He submitted that the insurance company has good case on the ground of negligence.

5. Heard the submissions. Perused the impugned judgment and award and the documents. In view of the condition of the applicant/injured, he is allowed to withdraw Rs.10,03,337/- along with interest accrued thereon, on an usual undertaking.

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

(MRIDULA BHATKAR, J.)