

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3644 OF 2018
IN FA/396/2018

VINAY AMBADAS WAHUL
VERSUS
THE NATIONAL INSURANCE CO., AND ORS

...
Mr. Q.R. Syed, Advocate h/f Mr. G.R. Syed, Advocate for applicant
Mr. S.P. Chapalgaonkar, Advocate for respondent no.1
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 06-04-2018

ORDER :

1. Heard learned counsel for the applicant. Applicant, who claims to be dependent and legal heir of a person, who died in accident in the year 2015. He submits that the tribunal has granted a sum of Rs.25,30,000/- towards compensation to the applicant. He has not received any amount other than the no-fault liability amount and is in dire need of the amount.

2. Appellant - insurer purports to question applicant's entitlement. Learned counsel for applicant submits that the tribunal had dealt with said objection and had allowed the claim petition.

3. Learned counsel for the appellant-insurer has not been able to overcome the fact that as on date, tribunal has passed order in favour of the applicant and beyond no-fault liability, the applicant has not received any further amount. As such, it would be expedient to allow applicant to withdraw half of the amount from the amount deposited in this court with accrued interest thereon, subject to following conditions:-

4. Applicant be allowed to withdraw 25% of the amount deposited in this court with accrued interest thereon, on furnishing undertaking that he will pay back / re-deposit the amount in this court within a period of three months from the date of decision in the appeal, if the same goes against him.

5. Applicant is allowed to withdraw further 25% amount of the amount deposited in this court with accrued interest thereon, on furnishing solvent security to the satisfaction of Registrar (Judicial) of this court.

6. Rest of 50% of the amount deposited in this court with accrued interest be invested in fixed deposit of nationalized bank earning interest.

7. Application accordingly is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/