

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 273 OF 2018

IN

FIRST APPEAL NO. 146 OF 2017

SONALI KAMBALI.,

... Applicant

Versus

BAJAJ ALLIANZ GENERAL INSURANCE
CO. LTD., THR. ITS AUT. SIG.,
NILESH S. GANDHI AND 2 ORS.,

... Respondents

Shri P. P. Singh, Advocate for the applicant.

Shri Narayan Dattaram Govekar, Advocate for the respondent
no.1.

Coram:- C. V. BHADANG, J.

Date:- 16th April 2018

P.C.

Heard the learned Counsel for the applicant and the learned
Counsel for the first respondent.

2. This is an application for withdrawal of an amount deposited before this Court. The Motor Accident Claims Tribunal has awarded a compensation of Rs.8,32,000/- along with interest at the rate of 9 % p.a. from the date of filing of the petition till realisation. The Compensation has been granted to the applicant in respect of permanent partial disability suffered to the extent of 45%. The respondent Insurance Company has deposited an

amount of Rs.11,08,752/- before this Court on 26/12/2017.

3. By this application, the applicant is seeking withdrawal of an amount of Rs.8 Lakhs. A perusal of appeal memo would show that the challenge is essentially to the quantum of compensation granted, which according to the respondent Insurance Company, is on a higher side. A perusal of para 3 of the reply filed to this application, would show that according to the respondent, the Tribunal has granted excessive compensation towards pain and suffering and towards loss of marriage prospects. The compensation granted under these 2 heads together comes to Rs.3 Lakhs. So, even assuming that there is scope for some reduction, which can be decided at the stage of hearing of the appeal, I find that the applicant can be permitted to withdraw a sum of Rs.7 Lakhs from the amount deposited.

4. The application is, thus, allowed. The office shall permit withdrawal of an amount of Rs.7 Lakhs by the applicant. The remaining amount shall be continued to be invested in a Nationalised Bank.

C. V. BHADANG, J.