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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 558 OF 2018
IN
FIRST APPEAL NO. 184 OF 2018

Hindurao Daji Patil .Applicant

Vs.

I. C. I. C. I. Lombard General Insurance Co. Ltd. .Respondent

Mr. G. R. Agrawal, Advocate, for the Applicant
Ms Dipika Prabala, Advocate, for the Respondent

CORAM : V.M.DESHPANDE, J.

DATE : 11.07.2018

P.C.

. This is an Application filed on behalf of the Original Claimant / Injured for withdrawal of the amount. The learned Member, Motor Accident Claims Tribunal, Karad on 26.08.2016 has partly allowed M. A. C. P. No. 1 of 2010 thereby directing the opponents therein to pay an amount of Rs. 25,00,000/- alongwith simple interest @ 8% p. a..

2. Ms Prabala, learned counsel for the Insurance Company makes a statement before this Court that the Insurance Company has

deposited the entire amount as directed by this Court before the M. A. C. T., Karad. Statement accepted.

3. In para 38 of the impugned Judgment, the learned Judge of the Court below has found that in view of Exh. 56 – Disability Certificate, the Applicant / Injured who is practising Advocate has suffered permanent disability.

4. According to the learned counsel for the Insurance Company, the Insurance Company has deposited Rs. 36,96,257/- before the M. A. C. T., Karad. Statement accepted.

5. After hearing both the parties, I pass the following order.

O R D E R

(i) The Application is partly allowed;

(ii) The Applicant will be entitled to withdraw 50% from and out of the amount so deposited before the Court on Applicant giving an undertaking before the said Court that in case, the Appeal filed by the Insurance Company is allowed, then in that event, the Applicant will refund the amount which he has withdrawn alongwith the interest which shall be determined by this Court within a period of three years from the date of the Judgment of this Court;

(iii) The remaining amount shall be invested by the Court below in any Nationalized Bank initially, for a period of three years and shall continue to do the same as & when occasion arises to save loss of interest;

(iv) The Application is disposed of.

(V.M.DESHPANDE, J.)