

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3323 OF 2016
WITH
FIRST APPEAL (ST.) NO. 17625 OF 2015**

Vinit Bipinbhai Pujara	... Applicant
IN THE MATTER OF	
The New India Assurance Co. Ltd.	... Appellant
V/s.	
Vinit Bipinbhai Pujara & Anr.	... Respondents

Mr. D.R. Mahadik for the Appellant.
Ms. Sushma Praful for Respondent No.1.

CORAM : K.K. SONAWANE, J.

DATE : 25th JULY, 2018.

P.C. :

1 Heard Learned Counsel for Applicant and the learned Counsel for Respondent-Insurance Company. No one else appeared on behalf of Respondent No.2-owner of the offending vehicle. Present application is filed seeking permission to withdraw the decretal amount of compensation deposited before the learned Tribunal, Mumbai. It has been contended that the Applicant-claimant suffered the 55% permanent disability during the course of vehicular accident. The learned Tribunal after appreciating the facts and circumstances granted the compensation amount pursuant to which

the Respondent-Insurance Company deposited total sum of Rs.21,35,713/- before the M.A.C.T. Mumbai on 23.11.2015.

2 In view of nature of subject matter and the grounds raised in the proposed Appeal, there is no impediment to allow the Applicant for withdrawal of atleast 50% amount deposited before the M.A.C.T., Mumbai. Definitely it would sub-serve the purpose pending the Appeal. Hence Application deserves to be allowed partly.

3 Accordingly, Applicant is hereby permitted to withdraw 50% of the amount deposited on behalf of Insurance company before the M.A.C.T. Mumbai, in the proceeding of M.A.C. petition/application No. 2389 of 2009, subject to condition that the applicant/claimant shall furnish the undertaking that he would refund the amount so withdrawn, in case any contingency arises in the appeal. Rest of the balance amount of 50% of the decretal amount be invested in F.D.R. account in any Nationalized Bank for a period of two years or till decision of the Appeal whichever is earlier, with liberty to renew the F.D.R. in future if required.

3 In view of above discussion, Civil Application stands disposed of accordingly.

(K.K. SONAWANE, J.)

Waishali
Sushil
Waghmare

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