

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1679 OF 2018
IN
FIRST APPEAL (STAMP) NO.30259 OF 2016

Harish @ Harishkumar Ramcharan Harijan	 Applicant
<i>In the matter between</i>	
National Insurance Co. Ltd., Mumbai	 Appellant
<i>V/s.</i>	
Harish @ Harishkumar Ramcharan Harijan and Anr.	 Respondents

Ms. Ruchika Dave for the Applicant.

Mr. P.A. Narayanan for the Appellant-Insurance Company.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER, 2018.

P.C. :

1. Heard Ms. Dave, learned counsel for the Applicant, and Mr. Narayanan, learned counsel for the Appellant-Insurance Company.

2. This is an application filed by the Applicant-Original Claimant for withdrawal of the entire amount of compensation deposited by the Appellant-Insurance Company in the Tribunal.

3. Learned counsel for the Appellant-Insurance Company resists the said application on the count that, the Appeal is filed on the point of quantum of compensation and also on the ground of breach of 'permit'.

4. In view thereof, Applicant cannot be permitted to withdraw the entire amount of compensation. However, considering his requirement, Applicant is permitted to withdraw 50% of the amount of compensation deposited by the Appellant-Insurance Company in the Tribunal, subject to furnishing of usual undertaking.

5. Civil Application is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]