

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

**CIVIL APPLICATION NO. 608 OF 2018
IN
FIRST APPEAL ST. NO. 1845 OF 2018**

Mr.Siddhesh Shyam Shirgaonkar ...Applicant

IN THE MATTER BETWEEN

Reliance Gen. Ins. Co. Ltd. ...Appellant

Versus

Mr.Siddhesh Shyam Shirgaonkar & Anr. ...Respondents

.....

Mr. T.J. Mendon for the Applicant.

Ms. Poonam Mital for the Original Appellant in FA.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : FEBRUARY 13 , 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved for withdrawal of an amount deposited by the original appellant pursuant to the judgment and award dated 18.08.2016 passed by the learned I/c. Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 355 of 2010.

The learned Member has granted compensation of Rs.40,64,600/- along with interest @ 9% p.a.

3. The learned Counsel for the applicant submits that it is an injury claim. He further submits that when the applicant was walking on the footpath, offending vehicle came in rash and negligent manner and knocked down the applicant. Due to accident, the applicant has sustained multiple fractures on the right hand and leg so also he has suffered from trauma. The applicant has suffered 84% permanent partial disability due to accident and, therefore, he be allowed to withdraw the amount.

4. The learned Counsel for the original appellant opposes this application. The appellant/ insurance company has good case on merits. The Appeal is filed on the ground of quantum and future prospectus.

5. Considering the judgment and award, submission of the learned counsel and also the age of the applicant, who was 18 years old at the time of accident on 05.01.2010, the applicant is allowed to withdraw 50% of the amount along with interest accrued

thereon deposited by the appellant/insurance company on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)