

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.421 OF 2018**  
**IN**  
**FIRST APPEAL st. NO.6068 OF 2014**

Baban Kisan Sakpal ... Applicant

**IN THE MATTER OF:**

The New India Assurance Co. Ltd. ... Appellant

Vs.

Baban Kisan Sakpal & anr. ... Respondents

Mr.C.M. Lokeshappa for the Applicant  
D.R. Mahadik for Appellant/insurance co.

**CORAM: MRS.MRIDULA BHATKAR, J.**

**DATE: JANUARY 31, 2018**

**P.C.:**

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved by the applicant/claimant for withdrawal of the amount deposited by the appellant / insurance company, pursuant to the judgment and award dated 8.7.2013 of the Motor Accident Claims Tribunal, Mangaon, Raigad in M.A.C.P. No.1280 of 2008.
3. The learned Counsel for the applicant submitted that the applicant met with the accident and he is in need of money for

medical treatment. He further submitted that the applicant did not receive any amount till today.

4. Learned Counsel for the insurance company is present and has opposed the application.

5. In view of the submissions and for the reasons mentioned in the application, the applicant is allowed to withdraw 50% of the amount of the compensation upon furnishing the usual undertaking to the satisfaction of the Registrar of the concerned Motor Accident Claims Tribunal. The remaining amount shall be deposited in a fixed deposit of any nationalised bank.

6. Civil Application is allowed and disposed of accordingly.

7. All concerned to act on an authenticated copy of this order.

**(MRIDULA BHATKAR, J.)**