

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1285 OF 2017
IN
FIRST APPEAL No. 1575 OF 2016

Vasudev Vitthal Mhatre ... Applicant
Vs.
Shriram General Insurance Co. Ltd.
through its Manager Legal Satpal Singh ... Respondent

Mr. Kiran Pawar, Advocate for applicant.
Mr. Nikhil Mehta i/b. KMC Legal Venture, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 10th January, 2018.

P.C.:

This Application is moved by the applicant/original claimant for withdrawal of an amount along with interest accrued thereon deposited by the insurance company/original appellant pursuant to the judgment and award dated 30th April, 2016 passed by the learned Ex-officio Member, Motor Accident Claims Tribunal, Raigad-Alibag in M.A.C.P. No. 192 of 2011. The applicant has filed the injury claim.

3. The learned counsel for the applicant submitted that the insurance company was directed to pay Rs.4,80,000/- along with interest @7.5% p.a. The learned counsel submitted that the right

knee of the applicant is permanently disabled and his movements are restricted. Till today, the applicant has not withdrawn any amount. He needs money for treatment. Therefore, the applicant be allowed to withdraw the amount deposited by the insurance company.

4. The learned counsel for the insurance company opposed the Application on the ground that the insurance company has good case on merit on the ground of quantum.

5. Considering the facts of the case and the submissions, the applicant is allowed to withdraw 50% of the amount of compensation alongwith interest accrued thereon 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.

7. Place the First Appeal for admission on 7th March, 2018.

(MRIDULA BHATKAR, J.)