

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2867 OF 2016
IN
FIRST APPEAL NO.974 OF 2012

Santosh Jayantilal Ranawat	 Applicant
<i>In the matter between</i>	
The National Insurance Co. Ltd., Thane.	 Appellant
<i>V/s.</i>	
Santosh Jayantilal Ranawat and Anr.	 Respondents

Mr. Roshan S. Tanna for the Applicant.

Mr. Nikhil Mehta, I/by M/s. KMC Legal Venture, for the Appellant-Insurance Company.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 4TH OCTOBER, 2018.

P.C. :

1. Heard Mr. Tanna, learned counsel for the Applicant, and Mr. Mehta, learned counsel for the Appellant-Insurance Company.

2. This is an application filed by the Original Claimant seeking withdrawal of the amount of compensation deposited by the Appellant-Insurance Company with the Tribunal.

3. Learned counsel for the Applicant-Insurance Company opposes the same on the count that, the defence is of breach of the terms and

conditions of the policy i.e. the premium was not collected, though it was a package policy. In view thereof, the Applicant cannot be permitted to withdraw the entire amount of compensation.

4. However, considering the need of the Applicant, he 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.]