

Anand

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

**CIVIL APPLICATION NO. 2369 OF 2018
IN
FIRST APPEAL (ST) NO. 12637 OF 2014**

Alpesh Bhikhanbhai Parmar .Applicant

Vs.

The New India Assurance Co. Ltd. .Respondent

Mr. T. J. Mendon, Advocate, for the Applicant

Mr. D. R. Mahadik, Advocate, for the Respondent

CORAM : V.M.DESHPANDE, J.

DATE : 11.07.2018

P.C.

. This is an Application filed by the injured for withdrawal of the amount which is deposited by the Insurance Company before the M. A. C. T., Mumbai.

2. Heard Mr. Mendon, learned counsel for the Applicant and Mr. Mahadik, learned counsel for the Respondent. The learned Judge of the Court below has granted an amount of Rs. 2,66,083/- inclusive of no fault liability to the Applicant alongwith interest @ 7.5% p. a.. Mr. Mahadik, learned counsel for the Insurance Company has already

deposited the entire amount. In my view, the following order will meet ends of justice.

O R D E R

- (i) The Application is partly allowed;
- (ii) The Applicant / Original Claimant will be entitled to withdraw 50% of the amount deposited by the Insurance Company before the Court below on Applicant giving an undertaking before the said Court that in case, the Appeal filed by the Insurance Company is allowed, then in that event, the Applicant will refund the amount which he has withdrawn alongwith the interest which shall be determined by this Court within a period of three years from the date of the Judgment of this Court;
- (iii) The remaining amount shall be invested by the Court below in any Nationalized Bank initially, for a period of three years and shall continue to do the same as & when occasion arises to save loss of interest;
- (iv) The Application is disposed of.

(V.M.DESHPANDE, J.)