

Anand

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

**CIVIL APPLICATION NO. 1771 OF 2018
IN
FIRST APPEAL NO. 684 OF 2018**

Yash Balkrishna Jadhav .Applicant

Vs.

Reliance General Insurance Co. Ltd. through .Respondent
its Corporate office

Mr. T. J. Mendon, Advocate, for the Applicant
Mr. R. Mehta i/b. KMC Legal Venture, Advocate, for the Respondent

CORAM : V.M.DESHPANDE, J.

DATE : 11.07.2018

P.C.

. This is an Application for withdrawal of the amount. The Application is moved by the Claimant / Injured himself. The Court below on 12.05.2017 in Application No. 645 of 2010 has directed the opposite party and the Insurer in the said Claim Application to pay an amount of Rs. 20,13,000/- jointly and severally to the Applicant alongwith simple interest @ 9% p. a.. Learned Judge of the Court below has considered while granting compensation the nature of the injuries suffered by the Claimant. By the said Judgment, the Court below has recorded a specific finding that though the disability is permanent

partial, he has suffered 100% loss of income. The Court below has find that the Applicant was required to incur medical expenses to the tune of Rs. 1,33,70,000/-. Learned counsel for the Insurance Company is specifically disputing the particular aspect.

2. Be that as it may, since the Insurance Company has deposited the entire amount, at present, the Application can be considered partly. Consequently, I pass the following order.

O R D E R

- (i) The Application is allowed in part;
- (ii) The Applicant at present will be entitled to withdraw an amount of Rs. 11,00,000/- from and out of the amount deposited by the Insurance Company;
- (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 Applicant is granted liberty to move a fresh Application before this Court by pointing out hard pressed necessity for further withdrawal after a period of four months from today;

(v) The Application is disposed of.

(V.M.DESHPANDE, J.)