

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

**CIVIL APPLICATION NO. 2564 OF 2018
IN
FIRST APPEAL (ST.) NO. 32422 OF 2016**

Shankar Pandurang Shinde ... Applicant

IN THE MATTER OF

ICICI Lombard Gen. Ins. Co. Ltd. ... Appellant

V/s.

Shankar Pandurang Shinde & Anr. ... Respondents

Ms. Deepika Prabala i/b Res Juris for the Applicant.

Mr. T.J. Mendon for Respondent No.1.

CORAM : K.K. SONAWANE, J.

DATE : 25th JULY, 2018.

P.C. :

1 Heard learned Counsel for the Applicant-Original Claimant and learned Counsel for Respondent-Insurance Company. Perused the Application. The present Application has been filed on behalf of Applicant-Original Claimant seeking permission to withdraw the decretal amount of Rs.24,53,304/- deposited in the M.A.C.T. Raigad-Alibag in M.A.C.P.No.448 of 2010. The learned Counsel for the Applicant submits that the the Applicant-Original Claimant suffered 100% permanent physical disability caused to him during the course of vehicular accident. Learned Tribunal after appreciating entire

evidence on record, imposed monetary liability on the owner of offending vehicle. Pursuant to impugned judgment and award, the Respondent Insurance Company deposited the compensation amount in the M.A.C.T. Raigad-Alibag in the present proceeding.

2 Heard learned Counsel for applicant-original claimant and Respondent-Insurance Company. In view of grounds raised in the proposed Appeal and reasons mentioned in the application, I find that the Applicant be permitted to withdraw the total lump sum amount of Rs.18,00,000/- from the decretal amount deposited on behalf of Insurance Company in this matter. In case Appellant-Insurance Company succeeded in the Appeal, the balance decretal amount would sub-serve the purpose. Accordingly, the Application deserves to be allowed.

3 Accordingly, Application stands allowed partly. The Applicant-original Claimant is hereby permitted to withdraw the total sum of Rs.18,00,000/- from the decretal amount deposited in the M.A.C.T. Raigad-Alibag in M.A.C.P. No.448 of 2010 subject to condition that the Applicant-original Claimant shall furnish the undertaking that the amount so withdrawn be refunded by him forthwith in case of any contingency arises in the proceeding of appeal. Rest of the balance decretal amount be invested in F.D.R.

account in any nationalized bank for a period of two years or till decision of the Appeal whichever is earlier with liberty to renew the F.D.R. in future if required.

4 Accordingly, Civil Application stands disposed of in above terms. The Registrar of the M.A.C.T. Raigad-Alibag to do the needful to facilitate for disbursement of compensation amount in favour of Applicant-claimant as mentioned above.

(K.K. SONAWANE, J.)

Waishali
Sushil
Waghmare Digitally signed
 by Waishali
 Sushil
 Waghmare
 Date:
 2018.07.30
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