

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

**CIVIL APPLICATION NO. 978 OF 2018
IN
FIRST APPEAL NO. 495 OF 2017**

Krishnachari Vishnu Patil ... Applicant

IN THE MATTER

Shriram General Insurance Company Ltd. ... Appellant

Versus

Krishnachari Vishnu Patil and another ... Respondents

.....

Mr. Jeeni Amerson Antony i/b Mr. Raghuji Singh for Applicant.

Mr. Nikhil Mehta i/b K.M.C. Legal for Respondent-Appellant Insurance Company.

.....

CORAM : K. K. SONAWANE, J.

DATE : 24th JULY, 2018.

P. C.:

1. Herard learned Counsel for applicant-claimant and learned Counsel for the respondent-insurance company. No one else is appeared on behalf of respondent No.2 – owner of the offending vehicle. Perused the application.

2. The applicant has moved the present application seeking permission to withdraw the decretal amount of Rs.11,99,282/-

deposited in the trial Court pursuant to the order passed by the M. A. C. T. Thane in M.A.C.P. No. 180 of 2014.

3. In view of nature of the subject matter and the facts and circumstances on record, there is no impediment to allow the applicant to withdraw the amount. Accordingly, application stands allowed. The applicant is permitted to withdraw Rs.8,00,000/- from the amount deposited in the trial Court, subject to condition that the applicant-claimant shall furnish undertaking that he would refund the entire decretal amount so withdrawn forthwith, in case any contingency arises in the appeal. Rest of the balance decretal amount deposited in the M.A.C.T. Thane be invested in FDR account in any nationalised bank for a period of two years or till decision of First Appeal whichever is earlier with liberty to renew the FDR in future, if required.

4. Civil application stands disposed of in above terms.

(K. K. SONAWANE, J.)

Shridhar
Marutirao
Sutar

Digitally signed
by Shridhar
Marutirao Sutar
Date: 2018.07.27
18:11:59 +0530