

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 2357 OF 2017
IN
FIRST APPEAL NO. 569 OF 2009**

Shri. Devendra Vasant Chaudhari ...Applicant

IN THE MATTER BETWEEN

M/s. Auto Assurance

M/s. Bajaj Allianz General Insurance Co. Ltd. ...Appellant

Versus

Shri. Devendra Vasant Chaudhari & Anr. ...Respondents

.....

Mr.Rajan S. Pawar for the Applicant.

Mr.D.S.Joshi for the Original Appellant in F.A.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATE : JANUARY 17, 2018**

P.C.:

1. This Application is filed by the applicant for withdrawal of the amount deposited by the insurance company.

2. By the judgment and award dated 17.11.2008, the learned Member, Motor Accident Claims Tribunal and District Judge-5,

Nashik in M.A.C.P. No. 278 of 2005 has granted compensation of Rs.1,81,226/- along with interest @ 8% p.a.

3. The learned Counsel for the applicant submits that it is an injury claim. The left hand of the applicant is fractured and there is loss of effective working capacity. He further submits that he has to spent money on medical bills.

4. The learned Counsel for the insurance company challenges this Appeal on the ground of quantum and breach of policy.

5. Considering the judgment and award and submission of the learned counsel, the applicant is allowed to withdraw 50% of the amount deposited by the insurance company on an usual undertaking. The remaining amount is to be deposited in the fixed deposit of any nationalized bank.

6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)