

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3514 OF 2017
IN
FIRST APPEAL NO.1117 OF 2017

Shri Janardhan S. Vibhute ... Applicant

IN THE MATTER OF:

The Oriental Insurance Co. Ltd. ... Appellant

Vs.

Shri Janardhan S. Vibhute & anr. ... Respondents

Mr.K.H. Hase for the Applicant

Mr.D.S. Joshi for Respondent

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JANUARY 16, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This is an application for withdrawal of the amount of compensation deposited by the appellant / Insurance Company, which was granted by the learned Member, Motor Accident Claims Tribunal, Mumbai, vide his order dated 15.12.2016 in M.A.C.P. No.2379 of 2010. The learned Counsel for the applicant submits that the applicant has sustained fracture of right knee and was an indoor patient from 31.12.2004 to 22.1.2005. He submits that till today, he has not received any money.

3. The learned Counsel for the insurance Company, while opposing the application, has taken the defence that the driver of the offending vehicle was not holding a licence to drive a 3-wheeler.
4. In view of the submissions of the learned Counsel, the applicant is allowed to withdraw 50% of the amount of compensation awarded by the learned Member, Motor Accident Claims Tribunal, Mumbai alongwith the interest accrued thereon, subject to furnishing a usual undertaking to the satisfaction of the Registrar, Motor Accident Claims Tribunal. The remaining amount to be invested in a fixed deposit of a nationalised bank.
5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)