

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3450 OF 2017
IN
FIRST APPEAL st. NO.19065 OF 2017

Shri Manish Devidas Thakker ... Applicant

IN THE MATTER OF:

Bombay Electric Supply &
Transport Undertaking
Vs.

... Appellant

Shri Manish Devidas Thakker ... Respondent

Mr.U.N. Mehta i/b S.U. Mehta for the Applicant
Ms.Kavita Anchan i/b M.V. Kini & Co. for Respondent

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

DATE: **JANUARY 16, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The application is moved for withdrawal of the amount of compensation deposited by the appellant B.E.S.T. The learned Counsel for the applicant/original claimant submits that it is an injury claim. The applicant has sustained multiple injuries including fractures due to the accident which has taken place on 25.11.2007. He submits that till today, except the amount under NFL, the applicant did not receive any amount.

3. Learned Counsel for the B.E.S.T. submits that the B.E.S.T. has deposited an amount amount for Rs.22,44,000/- i.e., the principal amount plus interest @ 9% which comes to a total amount of Rs.57,098/-. She submits that the BEST has good case on merits. Further, the BEST has proposed to settle the dispute for Rs.28 lakhs and the said proposal still stands.
4. In view of the submissions, the Civil Application is allowed and the applicant is allowed to withdraw 50% of the decretal amount i.e., Rs.11,22,000/- alongwith interest accrued thereon.
5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)