

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 62 OF 2018
IN
FIRST APPEAL No. 1207 OF 2017

Shridhar Shankar Mane ...Applicant

IN THE MATTER BETWEEN

Reliance General Insurance Co.Ltd. ...Appellant

Versus

Shridhar Shankar Mane & Anr. ...Respondents

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Mr.Saumen S.Vidyardhi for the Applicant.
Mr.Rahul Mehta i/b. KMC Legal Venture for the Original Appellant in
F.A.

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

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved for withdrawal of an amount deposited by the original appellant pursuant to the judgment and award dated 23.01.2017 passed by the learned I/c. Member, C.R. 7,

Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 2644 of 2011. The learned Member of the tribunal has granted compensation of Rs. 18,26,900/- along with interest @ 9% p.a.

3. The learned Counsel for the applicant submits that it is an injury claim. The applicant/original claimants has suffered multiple injuries and ruptures. He has to pay medical bills, as his right hand is operated in Soham Orthopedic Hospital, Ratnagiri and in KEM Hospital, Mumbai. He has suffered 40% permanent disability. He cannot use his right hand, which remains continuously folded. He was doing carpenting and painting jobs under the interior decorator and was drawing salary of Rs.10,000/-. Due to his physical disability, there is 100% loss of earning capacity and, therefore, he be allowed to withdraw the amount of compensation.

4. The learned Counsel for the insurance company submits that the insurance company challenged this judgment and award on the ground of negligence and on the point of quantum.

5. Considering the judgment and award and the submission of the learned counsel, the applicant is allowed to withdraw Rs. 10 lakhs

along with interest accrued thereon on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)