

Anand

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

**CIVIL APPLICATION NO. 2371 OF 2018
IN
FIRST APPEAL NO. 775 OF 2017**

Vijay Parmanand Pancholi & ors. .Applicants

Vs.

United India Insurance Co. Ltd. through .Respondent
Motor Third Party Claims Hub

Mr. T. J. Mendon, Advocate, for the Applicant No. 1
Mr. R. Mehta i/b/. KMC Legal Venture, Advocate, for the Respondent

CORAM : V.M.DESHPANDE, J.

DATE : 11.07.2018

P.C.

. This is an Application for withdrawal of the amount.

2. This Application is moved by the Original Claimant. The Insurance Company has deposited the entire amount alongwith interest as directed by the learned Member, Motor Accident Claims Tribunal, Mumbai vide Judgment and Award dated 11.01.2017 in Application No. 2625 of 2009. The Appeal filed on behalf of the Insurance Company is only on the ground of quantum. In that view of the matter, I pass the following order.

O R D E R

- (i) The Application is allowed in part.
- (ii) The Applicant No. 1 – Original Claimant will be entitled to withdraw 50% of the amount alongwith interest from and out of the amount so deposited before the Court on Applicant giving an undertaking before the said Court that in case, the Appeal filed by the Insurance Company is allowed, then in that event, the Applicant will refund the amount which he has withdrawn alongwith the interest which shall be determined by this Court within a period of three years from the date of the Judgment of this Court;
- (iii) The remaining amount shall be invested by the Court below in any Nationalized Bank initially, for a period of three years and shall continue to do the same as and when occasion arises to save loss of interest;
- (iv) An amount of Rs. 25,000/- deposited by the Insurance Company before this Court be transferred to the M. A. C. T., Mumbai and the said amount shall also be invested in any Nationalized Bank;
- (v) The Application is disposed of.

(V.M.DESHPANDE, J.)