

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.911/2019
in
First Appeal (ST) No. 27319/2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. R. S. Alange for the Applicant Mr. Yuvraj Gharal I/b. Vijay Killedar for Respondent No.2. Mrs. Poonam Mittal for Respondent No.1.	

CORAM : K.K.TATED, J.
DATED : APRIL 12, 2019

P.C.

Heard. By this Civil Application, the Applicant is seeking permission to withdraw the amount deposited by the Insurance Co..

2 The learned counsel for the Applicant submits that in an accident which occurred on 8.09.2014, the Applicant sustained injuries. Thereafter, he was admitted to the hospital. He submits that the Applicant has spent sum of Rs.5,23,938/- towards medical expenses. He submits that the Applicant has sustained 30% disability because of the said accident.

3 The learned counsel for the Applicant submits that as on today, the Applicant does not have any source of income. Hence, he may be permitted to withdraw the amount deposited by the Insurance Co.

4 On the other hand, the learned counsel for the Insurance Co. submits that if the entire amount is withdrawn by the Applicant, nothing would survive in the present proceedings. She submits that if this court permits the Applicant to withdraw the amount, the Applicant may be directed to furnish bank guarantee or solvent security to the satisfaction of the Trial Court.

5 Considering the submissions made by the learned counsel for the Applicant and the injury sustained by the Applicant in the accident and as he has spent more than Rs.5 lacs rupees on medical treatment and suffered 30% disability, I am satisfied that the Applicant has made out a case for allowing him to withdraw 50% of the awarded amount deposited by the Insurance Co., without furnishing any security but subject to outcome of the First Appeal.

6 Hence, the following order is passed:

a. The Applicant is permitted to withdraw 50% of the amount deposited by the Insurance Co. without furnishing any security but subject to outcome of the First Appeal.

b. Civil Application stands disposed of accordingly.

c. No order as to costs.

(K.K.TATED, J.)