

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2098 OF 2019
IN
FIRST APPEAL NO. 682 OF 2018

Mohan Baburao Divekar .. Applicant
Vs
New India Ass. Co. Ltd & Ano. .. Respondents

-
- Mr. T.J. Mendon for the Applicant
 - Ms. Poonam Mittal for the Respondent No. 1
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JUNE 28, 2019.

P.C.:

1. The above civil application is taken out by the applicant in above First Appeal seeking permission to withdraw the amount deposited in the lower court by respondent No. 1.

2. The above First Appeal is filed by respondent No. 1 i.e The New India Ass. Co. Ltd. impugning the judgment and award dated 24.2.2016 granting compensation of Rs. 15,00,086/- along with interest @ 9% p.a. to the applicant who met with an accident on 5.6.2008 and sustained injuries due to which his right foot has been amputated. At the time when the incident took place, the applicant was 45 years old

and was employed. The applicant is now 59 years old and he is retired.

3. The applicant has submitted that he has already spent substantial amounts towards his medical and other incidental expenses. He is required to bear his future medical expenses. He is at present undergoing great deal of hardship and is not in a position to spend any amount even towards his day to day expenses. He has exhausted whatever funds which were available with him and is dependent on his friend and relatives for financial help.

4. In the above circumstances, we are of the opinion that the applicant may be allowed to withdraw 40% of the amount deposited by the Insurance Company with Motor Accident Claim Tribunal, Mumbai. He will also receive every quarter, the interest accrued on the balance amount.

5. In view of the above, Civil Application is disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]