

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 1098/2019
in
First Appeal (ST) No. 33004/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. D. S. Joshi for the Applicant Mr. P. J. Pawar for Respondent No.1. Mr. Sidharth Idani I/b. A.M. Gokhale for Respondent No.2.	

CORAM : K.K.TATED, J.
DATED : MAY 3, 2019

P.C.

Heard. By this Civil Application, the Applicant is seeking permission to withdraw the amount deposited by the Appellant Insurance Co. as per the judgment and award dated 20.04.2015 passed by the MACT, Pune in MACP No.434/2010.

2 The learned counsel for the Applicant submits that in an accident which occurred on 03.02.2010 the Applicant sustained injury and because of that he sustained 40% disability and loss of earning capacity upto 15%. In support thereof he relies on para 14 of the impugned judgment. The learned

counsel for the Applicant submits that the Applicant is a practising Advocate and because of accident, it is not possible for him to travel other Taluka places in the District to attend his matters.

3 On the other hand, the learned counsel for the Appellant Insurance Co. has vehemently opposed the Civil Application. He submits that in the present proceedings, the Insurance Co. is not liable to pay compensation.

4 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, the following order is passed:

a The Applicant is permitted to withdraw 25% of the awarded amount deposited by the Insurance Co. without furnishing any security but subject to outcome of the First Appeal.

b The Tribunal is directed to invest the remaining amount in a fixed deposit of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

c Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

d Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)