

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 1099/2019
in
First Appeal (ST) No. 32997/2015

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. Siddharth Idnani I/b. Avinash Gokhale for Respondent No.2.	

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

P.C.

Heard. By this Civil Application, the Applicant / claimant is seeking permission to withdraw the amount deposited by the Insurance Co. as per the judgment and award dated 17.04.2015 passed by the MACT Pune in MACP No.433/2010.

2 The learned counsel for the Applicant submits that in an accident which occurred on 03.02.2010, the Applicant sustained injuries. He submits that the Doctor has certified 75% disability and loss of earning. In support of his contention, learned counsel for the Applicant has relied on paragraph

15 of the impugned award. He submits that in the interest of justice this Hon'ble Court be pleased to allow the Applicant to withdraw the amount deposited by the Insurance Co.

3 On the other hand, the learned counsel for the Insurance Co. has vehemently opposed the Civil Application. He submits that in the present proceedings, the Insurance Co. is not liable to pay compensation because on the date of accident, the driver of the offending vehicle was not holding a valid license.

4 Considering the submissions made by the learned counsel for the Applicant and impugned judgment and award the following order is passed:

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

b. Remaining amount is permitted to be withdrawn by the Applicant - claimant on furnishing security to the satisfaction of the

Trial Court on or before 29.06.2019.

c. Civil Application stands disposed of accordingly.

d. No order as to costs.

(K.K.TATED, J.)