

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 2037/2018
in
First Appeal No. 1778/2009

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Siddharth Idnani /ib. Avinash Gokhale for the Applicant Mr. Arsh Mishra I/b. M. V. Kini for the Appellant

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

P.C.

Heard. By this Civil Application, the Applicant is seeking permission to withdraw the balance amount of compensation deposited by the Insurance Co. in the present proceedings.

2 The learned counsel for the Applicant submits that in the present proceedings the MACT, Mumbai, by judgment and award dated 04.04.2009 awarded the sum of Rs.9,16,000/- by way of compensation with 7.5% p.a. interest thereon. He submits that this court has admitted the First Appeal. He submits that this court, by order dated

12.10.2009 in Civil Application No.4062/2009 permitted the Applicant to withdraw sum of Rs.5 lacs by furnishing personal bond.

3 The learned counsel for the Applicant submits that the matter is pending since 2009. He submits that the Applicant does have not have any source of income. Hence, they filed the Civil Application for withdrawal of the balance amount.

4 The learned counsel for the Insurance Co. has vehemently opposed the Civil Application. He submits that this court, by order dated 12.10.2009 has already permitted the Applicant to withdraw the sum of Rs.5 lacs on personal bond only. He submits that there is no question of allowing the Applicant to withdraw the remaining amount without furnishing any security. He submits that if the entire amount is withdrawn by the Applicant without furnishing any security, it would be difficult for them to recover the same, if they succeed in the present proceedings.

5 Considering the submissions made by the learned counsel for the parties and the

order dated 12.10.2009 by which this court has permitted the Applicant to withdraw the sum of Rs.5 lacs without furnishing any security, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

6 Hence, the following order is passed:

a. The Applicant is permitted to withdraw the remaining amount by furnishing bank guarantee of any Nationalized Bank, on or before 30.06.2019.

b. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)