

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.1915 OF 2019

IN

FIRST APPEAL NO.650 OF 2019

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Sarvadnya Kadatane I/b Mr.Kuldeep
Nikam for the applicant

Mr.Nikhil Mehta I/b M/s.KMC Legal Venture
for the appellant

**CORAM : K. K. TATED, J
DATE : AUGUST 1, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original claimant is seeking permission to withdraw the amount deposited by the Appellant Insurance Company to satisfy the judgement and decree dated 25.07.2018 passed by M.A.C.T. Sangli in MACP No.169 of 2014.

3 The learned counsel for the Applicant submits that in an accident which occurred on 11.7.2014 Applicant lost his son who was 38

years old. At that time, he was getting salary of Rs.15,120/- per month. On the basis of these facts, Applicant original Claimant filed application under section 166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.44 lacs with interest.

4 The learned counsel for the Applicant submits that the Tribunal awarded sum of Rs.11,62,488/- by way of compensation. He submits that Applicant is a Senior Citizen. He is a labourer. Hence, he requires the amount deposited by the appellant Insurance Company for his day to day activities. He submits that in the interest of Justice, this Hon'ble Court be pleased to allow the applicant to withdraw the amount deposited by Insurance Company.

5 On the other hand, the learned counsel for the appellant Insurance Company submits that Tribunal has awarded compensation on higher side. He submits that they have good chance of success in the present proceeding. He submits that if entire amount is withdrawn by the Applicant, then nothing will survive in the present proceeding. Hence, there is no question of allowing the present Civil Application. Same be dismissed with costs.

6 It is to be noted that in the present proceeding, applicant original Claimant no.1 lost his son who was earning nearabout Rs.15,000 to Rs.20,000/- per month.

7 Considering these facts, and as applicant

is a Senior Citizen, I am of the opinion that Applicant can be permitted to withdraw some amount during the pendency of the present proceeding. Hence, following order is passed:

- a. Applicant is permitted to withdraw 30% amount of compensation with accrued interest without furnishing any security subject to outcome of the First Appeal.
- b. The Tribunal is directed to invest the remaining award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.
- c. Liberty granted to the Claimants to prefer an appropriate application for withdrawal of further amount, if they so desire, which will be decided on its own merits.
- d. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)