IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2298 OF 2019
IN
FIRST APPEAL NO.50 OF 2018

Sheik Ismail Shaikh Issac and Anr. ….Applicant
V/s.
Shriram General Insurance Co. Ltd. ….Respondent/Appellant

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Mr. Nikhil Mehta i/b. M/s. KMC Legal Venture for the Appellant in FA/50 of 2018 and for the Applicant in CAFST/9998/2019 and for the Respondent in CAF/2298/2019.
Mr. Pritesh K. Bohade for the Applicant in CAF/2298/2019 and for the Respondent No.1 in FA/50/2018.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th AUGUST, 2019.

P.C.:-

. The Applicant herein, who is the original Claimant has sought withdrawal of the amount awarded by the Claims Tribunal, Nashik vide judgment and award dated 29th May, 2017 in M.A.C.P. No.227 of 2013. By the impugned judgment and award, the Claims Tribunal awarded total compensation of Rs.4,55,000/- with interest @ 6% per annum from the date of the petition till its realization.

2. The Applicant/original Claimant has stated that the

Applicant has suffered permanent injury as a result of the motor vehicular accident. He has stated that he has no other source of income.

3. Considering the averments made in the said application and also considering the grounds raised in the appeal, in my considered view it would be just and proper to allow the Applicant to withdraw 50% of the compensation alongwith proportionate interest accrued thereon. Suffice it to say that the withdrawal of the compensation is subject to final outcome of the appeal. The Applicant /original Claimant shall give an undertaking that he shall refund the compensation alongwith interest in the event it is held that the Respondent-Insurance company is not liable to indemnify the insured.

4. The civil application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha Parab Digitally signed by Megha Parab Date: 2019.08.07 14:21:46 +0530