

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLCIATION NO.4272 OF 2018
IN
FIRST APPEAL NO.1102/2017

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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Mrs. Sangita S. Salvi for Applicant.
Mrs.Varsha Chavan for Respondent.

CORAM : K.K.TATED, J.
DATED : APRIL 26, 2019

P.C.

1. Heard learned counsel for parties.
2. By this civil application, the applicant/claimant is seeking permission to withdraw an amount deposited by the Insurance Company.
3. Learned counsel for applicant submits that in the present proceeding, in an accident, which occurred on 2.1.2014 the applicant sustained partial disability and to that effect the claimant placed on record doctor certificate at Exhibit 23.
4. Learned counsel for applicant submits that in the interest of justice, the applicant may be allowed to withdraw the entire amount.
5. Learned counsel for Insurance Company

submits that in connected matters, this court permitted withdrawal of only 50% amount. Therefore, there is no question of allowing the applicant to withdraw the entire amount.

5. Considering the submissions made by the learned counsel for applicant, averments made in the civil application and the disability suffered by the applicant as disclosed in para 13 of the Judgment, I am satisfied that applicant is entitled to 50% amount but subject to outcome of first appeal.

6. Hence, the following order.

- a) Applicant is permitted to withdraw 50% amount of the compensation deposited by the Insurance Company in tribunal without furnishing any security, but subject to outcome of first appeal.
- b) Civil application disposed of.
- c) No order as to cost.

(K.K.TATED, J.)