

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3756 OF 2017
IN
FIRST APPEAL NO. 1380 OF 2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Kunal Chheda I/b Utangale & Co. for the Applicant. Ms. Sweta Kamble I/b Rupam Ghosh for the Respondent No.2.

CORAM: K.K.TATED, J.
DATED : 17/10/2019

P.C.

- 1 Heard learned Counsel for the parties.
- 2 By this Civil Application, the Applicant is seeking permission to withdraw the amount deposited by the Insurance Co. to satisfy the judgment and award dated 01.04.2015.
- 3 In the present proceeding, in accident which occurred on 03.10.2008, the Applicant sustained injuries. Hence, he filed claim petition. That was allowed by the Tribunal and awarded compensation of Rs.11,91,995/- with interest @ 7.5% p.a.
- 4 The learned counsel for the Applicant submits that as per the order dated

01.04.2015 passed by the Tribunal, they withdrawn 50% amount awarded by the Tribunal. He submits that now the Applicant is required further amount for his medical treatment as well as repayment of the loan amount taken by him from his relative for his medical treatment.

5 Considering the submissions made by the learned counsel for the Applicant, and as earlier Applicant was permitted to withdraw 50% amount and as the First Appeal is pending for final disposal on its own merits, I am of the opinion that Applicant can be permitted for withdrawing further amount by providing solvent surety to the satisfaction of the Tribunal.

6 Hence, following order is passed:

a) Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to provide solvent surety to the satisfaction of the Tribunal on or before 30.11.2019. Prayer clause (a), which reads thus:

“a) This Hon'ble Court be pleased to allow the applicant to withdraw a sum of Rs.5,95,997.50 deposited in Bank of Maharashtra, Boribunder Branch, Mumbai by the Respondents in the Tribunal with interest totaling to Rs.8,34,490/-”

b) The Civil Application stands disposed of accordingly.

c) No order as to costs.

(K.K.TATED, J.)