

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4034/2018

in

First Appeal No.820/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Yogesh pandey I/b. Abhishek Avachat for the Applicant Ms. Poonam Mittal for the Appellant

CORAM : K.K.TATED, J.

DATED : JULY 19, 2019

P.C.

1 Heard. By this Civil Application, the Applicant - claimant is seeking permission to withdraw the amount deposited by the Insurance Company to satisfy the impugned judgment and award passed by the MACT Pune in MACP No.910/2012.

2 The learned counsel for the Applicant submits that in the present proceedings, the Applicant lost his son. He submits that the Application made by the claimant No.1 i.e. daughter-in-law of the Applicant was allowed by this court and permitted her to withdraw sum of Rs. 6 lacs. He submits that after the accident his daughter-in-law also left him. He

does not have any source of income. Hence, this Application is for withdrawal of the amount. He submits that in the interest of justice this Hon'ble Court be pleased to allow the Applicant to withdraw the amount deposited by the Insurance Company for day to day and medical expenses. He submits that if the Application is not allowed irreparable loss will be caused to the Applicant.

3 On the other hand the learned counsel for the Respondent has vehemently opposed the Civil Application. She submits that earlier the Applicant has preferred the Civil Application No.2367/2017 for withdrawal of the amount, which was decided by this court (Coram : Mrs. Mridula Bhatkar, J.) by order dated 27.09.2017 and rejected the Applicant's prayer for allowing him to withdraw some amount. He submits that by that order this court has permitted claimant No.1 i.e. daughter-in-law to withdraw sum of Rs.6 lacs. He submits that in view of earlier order dated 27.09.2017 nothing survives in the present Civil Application. Hence, the Civil Application to be dismissed with costs.

4 It is to be noted that in the present proceedings, earlier the Applicant had filed Civil Application No.2367/2017 for the same cause of action i.e. for withdrawal of the amount wherein this court has permitted claimant No.1 to withdraw sum of Rs. 6 lacs only, whereas the present Applicant was not allowed. In view of order dated 27.09.2017 there is no question of allowing the present Application.

5 Hence, the Civil Application stands rejected.

6 No order as to costs.

(K.K.TATED, J.)