

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1294/2019
IN
FIRST APPEAL (STAMP)NO.13888/2018

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.Rahul Mehta, counsel i/b KMC legal for applicant

Mr.Nitesh V. Bhutekar, counsel for respondent no.1.

CORAM : K.K.TATED, J.

DATED : APRIL 26, 2019

P.C.

1 Heard learned counsels for the parties.

2 By this civil application, the applicant/claimant is seeking permission to withdraw the amount deposited by appellant /Insurance Company in the tribunal.

3 Learned counsel for applicant submits that in an accident which occurred on 18.11.2012, applicant sustained injury. He further submits that on the date of accident, the

applicant was working as a driver and earning Rs.6,000/- per month. He submits that because of accident, he filed claim application under Section 166 of the Motor Vehicle Act, for compensation of Rs.3,00,000/-. Learned counsel for applicant further submits that the tribunal, after considering the evidence on record held that, the claimant is entitled compensation of Rs.15,67,700/- with 10% interest.

4. Learned counsel for applicant submits that during pendency of appeal applicant may be permitted to withdraw the amount.

5. Considering the submissions made by learned counsel for the applicant, averments made in civil application, and the injuries sustained by applicant in the accident, I am satisfied that applicant can be permitted to withdraw 50% amount but subject to outcome of First Appeal.

6. Hence, the following order.

a) Applicant/claimant is permitted to withdraw 50% amount deposited by the Insurance Company in Tribunal without furnishing any

security, subject to outcome of First Appeal.

b) The Tribunal is directed to invest the remaining amount in Fixed Deposit of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

c) Civil Application stands disposed of accordingly.

(K.K.TATED,J.)