

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 581 OF 2019

IN

FIRST APPEAL NO. 1194 OF 2018

Meghna Suresh Parekh

....Applicant

In the matter of :-

Bajaj Allianz Gen. Insurance Co. Ltd.

....Appellant

V/s.

Meghna Suresh Parekh & Anr.

....Respondents

Mr. Avinash Gokhale a/w. Mr. Sunandan Rao for applicant/original claimant.

Mr. Devendranath S. Joshi for appellant.

**CORAM: B.P. DHARMADHIKARI AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 12TH FEBRUARY, 2019.

P.C.:

. Heard for some time. Prima facie, it appears that MACT has not accepted evidence laid by claimant but then proceeded to held that in India a person like petitioner who has passed 10th standard, may earn roughly Rs.25,000/- per month. Considering future prospects that too in UAE, monthly income has been worked out to Rs.50,000/- per month and on that basis, the total amount of compensation awarded to claimant has been determined at Rs.48,51,580/-. This Court has while admitting the First Appeal on 30/11/2018, directed the Insurance Company to deposit the amount. Accordingly, the amount has been deposited. Civil Application is taken out by claimant seeking leave to

withdraw the same. Applicant submits that she has lost employment and therefore, she needs money desperately. Insurance Company is opposing withdrawal on ground that the adjudication on compensation is arbitrary and the vehicle owner is responsible totally and Insurance Company cannot be asked to reimburse.

2. We have looked into the matter. We find that the applicant/claimant to be a sales person and one of her legs has been injured and partly foot has been crushed. The MACT has worked out loss of working capacity of 45%.

3. In this situation, taking over all view of the matter, we partly allow the Civil Application and allow the claimant / applicant to withdraw the 50% of the amount deposited by the Insurance Company with proportionate interest accrued upon it till date. Balance amount be invested in any nationalized bank initially for a period of three years. It shall be renewed automatically without further orders of the Court unless the Court directs otherwise.

4. Civil Application is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)

(B.P. DHARMADHIKARI, J.)