

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

**CIVIL APPLICATION NO.3423 OF 2019
IN
FIRST APPEAL ST. NO.6295 OF 2016**

Prakash Shravan Rathod ..Applicant

IN THE MATTER BETWEEN

Bajaj Allianz General Insurance Company Ltd. ..Appellant

vs.

Prakash Shravan Rathod and Anr. ..Respondents

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Mr. Hrishikesh S. Shinde I/b. Mr. M.M. Sathaye for Appellant.

Mr. Sandeep Mishra for Applicant/Original Respondent.

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CORAM : M. S. KARNIK, J.

DATE : 13th MARCH, 2020.

P. C. :

This is an application for withdrawal of the amount of compensation deposited before the Motor Accident Claims Tribunal, Thane. The Applicant suffered injury on 18 April, 2010. It is his case that when he was standing at the bus stop, he was dashed by Motor Dumper/Trailer which was driven with high and uncontrollable speed in rash and negligent manner as a result of which the applicant fell down and sustained serious injuries. The Motor Accident Claims Tribunal has awarded compensation of

Rs.7,35,018/- together with interest 7% per annum from the date of application till realization of the amount. This application for withdrawal is opposed by the learned counsel for the Insurance Company. However, considering the findings of the Tribunal and the nature of the injuries sustained, in my opinion, the Applicant could be permitted to withdraw 50% of the claim amount along with interest, if any, deposited by the Insurance Company before the Motor Accident Claims Tribunal for the present. Liberty to the Applicant to apply for withdrawal of the balance consideration at a later stage.

2. The Civil Application is allowed. The Applicant is permitted to withdraw 50% of the claim amount deposited before the Motor Accident Claims Tribunal, Thane by the Appellant.

3. The Civil Application is disposed of.

(M. S. KARNIK, J.)