

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

**CIVIL APPLICATION NO.813 OF 2019
IN
FIRST APPEAL (ST) NO.33222 OF 2017**

Mr.Amir Majidhusain Chaudhary ..Applicant

In the Matter of

The New India Assurance Co.Ltd. ..Appellant

Vs

Mr.Amir Majidhusain Chaudhary ..Respondent

Mr.T.J. Mendon for the Applicant.

Smt.Poonam Mital for the Responent-Insurance Co (Original Appellant).

CORAM : C.V. BHADANG, J.

**DATE : 19th OCTOBER 2020
(Through Video Conference)**

P.C.

1. This is an application for withdrawal of the amount of the compensation. The respondent (Original Appellant) has deposited an amount of Rs.13,66,886/- before the Motor Accident Claims Tribunal, Thane.

2. The applicant (Original claimant) is the son of the deceased. The accident is of the year 2011 and till today the applicant has not received any compensation.

3. The learned counsel for the respondent (Original Appellant) states that the appeal is both on quantum as well as on the aspect of the breach of the terms and conditions of the Insurance Policy.

4. Be that as it may having regard to the overall circumstances, I find that some partial withdrawal can be allowed subject to conditions. Hence the following order.

ORDER

(i) The application is partly allowed.

(ii) The applicant-original claimant shall be entitled to withdraw an amount of Rs.6 lakhs from out of the amount deposited before the MACT, Thane on proper identification.

(iii) This shall be subject to usual undertaking being furnished to bring back the amount, if so ordered, by this Court.

(iv) The balance amount shall stay invested in a Nationalized Bank.

(v) The Civil Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.