

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO.8061 OF 2020
IN FAST/35244/2017

MANOJ MAROTI JADHAV THR HIS FATHER MAROTI AND ORS
VERSUS
ROYAL SUNDARAM GENERAL INSURANCE CO. LTD., THR ITS
AUTHORIZED OFFICER

Mr.S.W. Jawale, Advocate for respondent No.1.

Mr.A.S. Deshpande and Mr.S.S. Wagh, Advocate for
respondent No.1.

CORAM : V.L.ACHLIYA,J.

DATED : 19.01.2021

P.C. :-

01. The applicant has moved this application seeking permission to encash Fixed Deposit Receipt of Rs.5 lakhs amount invested in terms of order dated 24.02.2018 for the purpose of removing rod from his leg and to repay loan amount.

02. Heard learned Counsel for the applicant-claimant and learned counsel representing the appellant-insurance company.

03. In brief, it is contention of the applicant that vide order dated 24.02.2018 this Court (Coram : Sunil P. Deshmukh,J.) passed in Civil Application No.1700 of 2018.

allowed withdrawal of amount of Rs.20 lakhs out of amount deposited in this Court. Out of the said amount, an amount of Rs.5 lakhs was directed to be invested in Fixed Deposit with nationalized bank. The applicant has spent an amount of Rs.15 lakhs to meet expenditure and to repay the loan secured for the purpose of treatment. Now for undergoing further treatment of removal of rod and to pay loan amount, the applicant required further amount of Rs.5 lakhs.

03. Learned Counsel for the insurance-company has no objection to allow the application to cash the Fixed Deposit Receipt.

04. On due consideration of submissions advanced, I am not inclined to entertain the application for the sole reason that no compelling circumstances made out to entertain the request seeking encashment of amount in Fixed Deposit. The applicant is already permitted to withdraw amount to the extent of Rs.20 lakhs vide order dated 24.02.2018. Out of Rs.20 lakhs, Rs.5 lakhs was directed to be invested in the Fixed Deposit. Out of said amount, an amount of Rs.15 lakhs was available with the applicant to meet his requirements including future treatment.

05. In that view, the reasons assigned for withdrawal of amount appear to be concocted and therefore I am not inclined to entertain this application. The application is rejected.

[V.L.ACHLIYA,J.]