

Chitra Sonawane

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

CIVIL APPLICATION NO.54 OF 2021

IN

FIRST APPEAL (STAMP)NO.17967 OF 2018

Mustakmahammad Harunrashid Patil & Ors. ...Applicants

Vs.

The Branch Manager,

Shriram General Insurance Company Ltd. ...Respondent.

....

Mr.Sangramsinh Yadav, Advocate for the applicant.

Mr.Nikhil Mehta i/b KMC Legal Venture for Respondent in civil application no.54/2021 and for appellant in First Appeal (stamp)no.17967/2018.

CORAM : PRITHVIRAJ K.CHAVAN J.

DATE : 27th JANUARY, 2021.

P.C. :

1 This is an application for withdrawal of the entire amount of compensation deposited by the appellant/insurer in Motor Accidents Claim Tribunal, Kolhapur.

2. Mr.Nikhil Mehta, the learned Counsel for the appellant submits that the entire amount has already been deposited with the tribunal.

3. Mr. Sangramsinh Yadav, the learned Counsel for the applicant submits that the amount is required for financial assistance of the education and other necessary expenses of the applicant and his family members. Mr.Mehta objects for withdrawal of full amount of compensation. However, considering the reasons assigned in the application, at this stage, the applicant is permitted to withdraw 50% of the amount of compensation with accrued interest. All applicants shall give an Undertaking to the tribunal that in case, the appellants succeeds in the appeal, the applicant shall refund the entire amount with interest subject to final decision of the appeal on merits.

4. After withdrawal of 50% of amount, the Motor Accidents Claim Tribunal, Kolhapur shall invest the balance amount in Fixed Deposit initially for a period of one year and thereafter for one more year after obtaining order from this Court.

5. The application is disposed of.

(PRITHVIRAJ K.CHAVAN,J.)