Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2625 OF 2017

IN

FIRST APPEAL NO.1333 OF 2016

Vaibhav Anant Panchal] Applicant

IN THE MATTER BETWEEN:

The New India Assurance Co. Ltd.] Appellant

Vs.

Vaibhav Anant Panchal] Respondent

.....

Mr. Navin C. Shah, for Applicant.

Mr. Milind More, for Respondent.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 20th JANUARY, 2021.
(Through Video Conferencing)

P.C.

1. This is an application for withdrawal of the amount of compensation deposited by the respondent-insurer before the Motor Accident Claims Tribunal, Mumbai.

2. Learned Counsel for the applicant-claimant submits that the applicant was a Driver who has lost his job due to the injuries sustained in motor accident and now he is doing a job of Watchman as he cannot drive the vehicle. He is required to look

after his family. The learned Counsel, therefore, prays for permission to withdraw the entire amount of compensation.

3. On the other hand, the learned Counsel for the respondent-insurer strongly objects on the ground that there are several questions to be decided on merits in the appeal and, therefore, submits that the applicant be allowed to withdraw 50% of the amount of compensation.

4. Having considering the nature of the injuries suffered by the applicant-claimant as well as the fact that he has to look after his family members, he is permitted to withdraw 60% of the amount of compensation upon furnishing an undertaking within one week that if the respondent-insurer succeeds in the appeal, the applicant will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

5. If the applicant does not file undertaking within the aforesaid period, the amount deposited by the respondent-insurer shall be invested by the M.A.C.T in the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

6. If 60% amount is withdrawn by the applicant, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

7. The application stands disposed of.

8. This order will be digitally signed by the Personal Assistant of this Court. All concerned shall act on production by fax or e-mail of a digitally signed copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]