Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2180 OF 2019**

**IN**

**FIRST APPEAL [STAMP] NO.31875 OF 2018**

**Siddhant Mehendra Kadam ] Applicant**

**Vs.**

**Reliance General Insurance Co. Ltd.]**
**and others. ] Respondents**

.....

Mr. T.J. Mendon, for Applicant.
Mr. Rahul Mehta i/b KMC Legal, Venture, 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 entire amount of compensation deposited by the respondent-insurer in Motor Accident Claims Tribunal, Mumbai, pursuant to a Judgment and Award passed by the said Tribunal.

2. Learned Counsel for the respondent-insurer submits that entire amount of compensation has already been deposited.

3. Mr. Mendon, learned Counsel for the applicant/claimant submits that at the time of the accident, age of the boy was ten years who has a bright student. Due to the accident, he suffered

serious injuries resulted into 100% permanent disability. The petitioner had also sustained several other injuries and had undergone surgical operations. He was hospitalized for a considerable long time and was required to incur huge expenses. He would also require future medical expenses for rest of his life. Because of the said accident and the injuries resulted therefrom, the petitioner had lost his future academic career. The petitioner is also required to meet his day-to-day expenses. So far as the petitioner had incurred medical expenses to the tune of Rs.11,03,130/-.

4. Mr. Mehta, on the other hand, representing insurer submits that the appeal has preferred mainly on the ground of quantum and validity of driving licence of the driver of the offending vehicle.

5. Considering the objections and the fact that the applicant had suffered 100% permanent disability, at this stage, it would be just and proper to permit him to withdraw 60% of the amount of compensation along with accrued interest deposited by the insurer in the M.A.C.T. The claimants shall furnish an undertaking within one week that if the respondent-insurer succeeds in the appeal, they will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

6. If the claimants do not file an 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.

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 If 60% amount is withdrawn by the claimants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

8. The application stands disposed of.

9. 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.]**