

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.29 OF 2021
IN
FIRST APPEAL [STAMP] NO.16855 OF 2018

Santoshkumar Mishrilal Gupta] Applicant

IN THE MATTER BETWEEN:

IFFCO-TOKIO General Insurance Co. Ltd.] Appellant

Vs.

Santoshkumar Mishrilal Gupta and others.] Respondents

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Mr. Navin C. Sheth, for Applicant.

Ms. Dipika Prabhala i/b Res Juris, for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 29th JANUARY, 2021.

P.C.

1. This is an application for withdrawal of the entire amount of compensation which has already been deposited by the respondent-insurer in the Motor Accident Claim Tribunal, Mumbai.

2. Mr. Sheth, the learned Counsel for the applicant submits that the applicant has suffered 41% permanent partial disability. He is in need of money for his treatment and special diet and, therefore, he be allowed to withdraw the entire amount of compensation.

3. Learned Counsel for the respondent-insurer objects withdrawal of the amount.

4. Considering the reason for withdrawal, the applicant-claimant is permitted to withdraw 50% of the amount of compensation with accrued interest. The applicant shall furnish undertaking within two weeks from today that if the respondent-insurer succeeds in the appeal, he 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 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.

6. If 50% amount is withdrawn by the applicant, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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.

[PRITHVIRAJ K. CHAVAN, J.]