Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1262 OF 2020

IN

FIRST APPEAL NO.129 OF 2018

Zaiyada Mehboob Sayeed	]	**Applicant**
Vs.		
The Oriental Insurance Co. Ltd.	]	
and another.	]	**Respondents**

IN THE MATTER BETWEEN:

The Oriental Insurance Co. Ltd.	]	**Appellant**
Vs.		
Zaiyada Mehboob Sayeed and another.	]	**Respondents**

.....

Mr. T.J. Mendon, for Applicant in I.A. No.1262 of 2020.

Ms. Disha Parekh a/w Mr. Rohit Jadhav i/b N.D.B Law, for Respondent in I.A. No.1262 of 2020 and for Appellant in F.A. No.129 of 2018.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 3rd FEBRUARY, 2021.

P.C:

1. This is an application for withdrawal of the entire amount of compensation deposited by the respondent-The Oriental Insurance Co. Ltd in M.A.C.T, Mumbai in Application No.1214 of 2009.

2. Heard learned Counsel for the applicant.

3. It is submitted by the learned Counsel for the applicant that the applicant was 36 years old at the time of the accident. She was a housewife. In the said accident, she suffered serious injuries resulting into permanent disability to the extent of 36%. The applicant had to incur huge expenses for surgical operations and hospitalization for a considerable long time. She is required further medical treatment and surgeries for which, she is in need of money. She is also in need of money for her day-to-day expenses.

4. Learned Counsel for the respondent-insurer submits that the entire amount of compensation has been deposited in the concerned Tribunal on 3rd July, 2018. Statement is accepted.

5. Learned Counsel for the respondent-insurer objects for withdrawal of the entire amount of compensation by contending that the respondent-insurer has a good case on merits.

6. Having considered the reasons given in the application, at this stage, the applicant is permitted to withdraw 50% of the amount deposited by the respondent-insurer before the concerned M.A.C.T with accrued interest, upon furnishing an undertaking that if the respondent-insurer succeeds in the appeal, she will return the amount with interest at such rate as would be directed by this Court, depending upon the outcome of the first appeal. Undertaking shall be filed before the Tribunal at the time of withdrawal of the amount.

7. If the applicant does not file undertaking at the time of withdrawing the amount, 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.

8. 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.

9. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]