Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 790 OF 2020
IN
FIRST APPEAL NO. 511 OF 2019

Harshal Vivek Vidhvans
Through his Next Friend Mother
Seema Vivek Vidhvans .. Applicant
In the matter between
Reliance General Insurance Co.
Ltd. & Ors. .. Appellant
Vs.
Harshal Vivek Vidhvans
Through his Next Friend Mother
Seema Vivek Vidhvans & Ors. .. Respondents

.....

Mr. Pramod J. Pawar for the applicant
Ms. Kalpana Trivedi i/b KMC Legal Venture for the appellant – insurer

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 19th MARCH, 2021

P.C.

1. This is an application seeking withdrawal of the 50% of the claim amount without any condition / security and remaining 50% by furnishing security to the satisfaction of the MACT, Satara.

2. Heard Mr. Pramod Pawar, learned Counsel for the applicant.

3. My attention is drawn to the fact that the applicant has suffered 60% permanent disability, which has been accepted by the learned Chairman, MACT, Satara in the impugned judgment and

award. The Neurosurgeon, AW-4 Dr. D.M. Ranade has opined that due to the accidental injuries, the applicant would be unable to continue with his future education so also to do service in future. At the time of accident, the applicant was 18 years of age, who will have to bear the trauma of the accident for a longer period in view of 60% permanent disability assessed by the Neurosurgeon.

4. It is submitted by Mr. Pawar that the applicant would be required to undergo continuous medication in future and, therefore, he has prayed for withdrawal of the entire amount.

5. Ms. Trivedi, holding for Mr. Mehta opposes the prayer by stating that if the entire amount is permitted to be withdrawn, the appeal would become infructuous.

6. Having considered the respective submissions across the bar, I am persuaded by the argument of Mr. Pawar, *albeit*, at this stage, instead of permitting him to withdraw the entire amount, it would be just and proper to permit the applicant to withdraw 70% of the amount of compensation with accrued interest. The applicant shall furnish an undertaking within two weeks that if the appellant - insurer succeeds in appeal, the applicant shall refund the amount with interest at such rate as would be directed by this Court, depending upon the outcome of the first appeal.

7. If the applicant does not file an undertaking within the aforesaid period, the amount deposited by the appellant - insurer shall be invested by the M.A.C.T in a fixed deposit in any Nationalized Bank for a period of one year and thereafter for one

more year again, after obtaining order from this Court.

8. If 70% 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.)