

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1203 OF 2021
IN
FIRST APPEAL (st) NO. 18728 OF 2014**

Eshant Arvind Bhaskar ..Applicant/ Org. Claimant.

Versus

New India Assurance Company Ltd.
& Another . ..Respondent

In the matter between

New India Assurance Co. Ltd. ..Appellant

v/s.

Eshant Arvind Bhaskar & Anr.. ..Respondents

Mr. Pritesh Bohade for the Applicant.
Mr. Sandeep Jinsiwale for the Appellant.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : JUNE 09, 2021.**

P.C.

1. The Applicant herein has filed this application for withdrawal of further compensation from the amount deposited by the Appellant-Insurance Company.
2. The Applicant, who is the Claimant in the petition filed under Section 166 of the Motor Vehicles Act has been awarded

compensation of Rs.10,80,800/- with interest @ 9% per annum from the date of petition i.e. 25.7.2007 till the date of payment of the entire amount.

3. The Appellant-Insurance Company has deposited the compensation of Rs.16,96,171/- . By order dated 7.8.2015 this Court had permitted the Applicant to withdraw the amount of Rs.5,00,000/- with accrued interest without furnishing any security and had directed the Tribunal to invest the balance amount under Fixed Deposit. Liberty was granted to the Applicant to file appropriate application for withdrawal of further amount, if necessary.

4. It is stated that the Applicant - claimant is unable to do any work in view of the injuries sustained in the accident, and that he has no other source of income.

5. Shri Jinsiwale, learned Counsel for the Appellant-Insurance Company opposes the request on the ground that the vehicle was not involved in the accident.

6. Having gone through the records and after having considered the reasons stated in the judgment, the grounds stated in the memo of appeal, and further considering the reasons stated

by the Applicant in the present application, the Applicant is permitted to withdraw further amount of Rs.5,00,000/-, (Rupees Five Lakhs) with proportionate interest accrued thereon, subject to giving an undertaking that he shall refund the said amount with interest, in the event the Appellant-Insurance Company succeeds in the appeal.

7. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)