IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.292 of 2020
In
First Appeal Stamp No.8210 of 2016

Nazeer Shamshuddin Patel ... Applicant.

IN THE MATTER BETWEEN:
Reliance General Insurance Co. Ltd.
Through Its manager .. Appellant.
Vs.
Najeer Shamshuddin Patel & Anr. ... Respondents.

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Mr.Jayant J. Bardeskar, Advocate for the applicant.

Miss Dipika Prabhala, Advocate, i/b Res Juris, for respondent.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 1st FEBRUARY, 2021.

P.C.:

1. The respondent/claimant has prayed for withdrawal of whole amount of compensation, deposited by the appellant in the tribunal by contending that, he had suffered 30% permanent disability in the accident. He has no source of income except the amount of compensation. It is contended that the applicant had incurred huge expenses for medical treatment.

2. Though the learned Counsel for the applicant/claimant contends that the applicant is in need of money very badly for the purpose of removing implant from his right femur bone, there is no Certificate on record to substantiate the said contention.

3. The learned Counsel for the appellant objects withdrawal of the whole amount.

4. Having considered the reasons stated in the application, at this stage, the applicant is permitted to withdraw 50% of the amount of compensation with accrued interest.

5. The applicant shall give an Undertaking before the tribunal that in case, the appeal succeeds, he will refund the amount with interest as would be determined at the time of decision of the appeal.

6. The Undertaking shall be given within two weeks from today.

7. After withdrawal of 50% of the amount, balance amount shall be invested in a Fixed Deposit in any Nationalized Bank for the period of one year.

8. The same shall again be invested for one more year after obtaining an order from this Court.

9. The application disposed of.

(PRITHVIRAJ K.CHAVAN J.)