

Santosh

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

**INTERIM APPLICATION NO. 2026 OF 2021
IN
FIRST APPEAL NO. 94 OF 2021**

**SANTOSH
SUBHASH
KULKARNI**

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Vicky Sanjay Bachhav	...Applicant
In the matter between	
Reliance General Insurance Co. Ltd.	...Appellant
Versus	
Vicky Sanjay Bachhav & anr.	...Respondents

Mr. Ranjan Pawar, for the Applicant/Ori. Respondent.
Mr. Pandit Kasar, for the Respondent/Ori. Appellant.

CORAM: N. J. JAMADAR, J.

DATED : 11th OCTOBER, 2021

PC:-

1. Heard Mr. Pawar, the learned Counsel for the applicant and Mr. Kasar, the learned Counsel for the respondent.

2. At the outset, the learned Counsel for the applicant seeks leave to amend the prayer clause (b) of the application.

Leave to amend.

Necessary amendment be carried out forthwith.

3. This application is preferred seeking permission to withdraw the amount in terms of Award in MACP No.159/2018 dated 11th November, 2019, passed by the learned Member, MACT, Nashik. In the application, the applicant had made averments in justification of the prayer for withdrawal.

4. Having regard to the nature of the disability claimed to have been suffered by the applicant in the accident, his claim that he requires the amount to meet the necessities of life and expenses of medication as well appears justifiable.
5. In view of the above, the application deserves to be partly allowed.
6. Hence, the following order:

: O r d e r :

- (i) The applicant is permitted to withdraw 50% of the amount deposited by the respondent – appellant – insurer, alongwith interest accrued thereon, subject to furnishing an undertaking before the learned Member, MACT, to bring back the said amount alongwith interest at such rate as may be decided by the Court, in the event the appeal is allowed and it is held that the applicant is not entitled to compensation.
- (ii) The application accordingly stands disposed of.

[N. J. JAMADAR, J.]