

Uday S. Jagtap

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

**CIVIL APPLICATION NO. 3808 OF 2019
IN
FIRST APPEAL (ST.) NO. 2921 OF 2019
ALONG WITH
FIRST APPEAL (ST.) NO. 2921 OF 2019**

Mangal Appasaheb More & Ors.

.. Applicants

Vs.

Shriram General Insurance Co. Ltd., & Ors.

.. Respondents

.....

Mr. Akshay Kulkarni for the applicants

Mr. Rahul Mehta i/b KMC Legal Venture for the respondent - insurer

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 19th JANUARY, 2021

P. C.

1. A praecipe is moved by the learned Counsel for the applicants - claimants for withdrawal of the amount of compensation deposited by the insurer in M.A.C.T., Kolhapur pursuant to an order passed by this Court on 20th March, 2019 in Civil Application No. 1015 of 2019.

2. Praecipe depicts the reason as to why the claimants seek to withdraw the amount of compensation, to be more precise, it is stated that the claimant – applicant no.1 is an old lady suffering from several diseases, who needs medical treatment for which the amount is required.

3. In the impugned Award, the learned Member, M.A.C.T., Kolhapur in paragraph 21 has referred a judgment of the Hon'ble Supreme Court in the case of ***Mukund Dewangan Vs. Oriental Insurance Co. Ltd., 2017 CJ (SC) 682*** wherein it has been held that a Light Motor Vehicle (L.M.V.) includes transport vehicle as per weight prescribed in Section 2(21) r/w Section 2(48) of the Act. Thus, a driver holding L.M.V. license can also drive all vehicles of class including transport vehicles and there is no separate endorsement require to drive such transport vehicles.
4. The learned Counsel for the respondent – insurer submits that there a likelihood of settlement and, therefore, prays for a short adjournment.
5. However, at this stage, the applicants are permitted to withdraw 50% of the amount of compensation deposited by the insurer. The applicants shall file an undertaking that in case the compromise fails and the appeal succeeds, the claimants shall refund the amount with interest as per the final decision of the appeal.
6. The Application is disposed of.
7. List the appeal on 9th February, 2021.

(PRITHVIRAJ K. CHAVAN, J.)