

Santosh

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

**INTERIM APPLICATION NO. 3033 OF 2021
IN
FIRST APPEAL (ST) NO. 3482 OF 2021**

SANTOSH
SUBHASH
KULKARNI

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Babu Aruparachira Ponnappan	...Applicant
In the matter between	
Shriram General Insurance Co. Ltd.	...Appellant
Versus	
Babu Aruparachira Ponnappan	...Respondent

Ms. Rina Kundu, for the Applicant/ori. Respondent no.1.
Mr. Pandit Kasar, for the Respondent/ori. Appellant.

**CORAM: N. J. JAMADAR, J.
DATED : 25th OCTOBER, 2021**

PC:-

1. This is an application for withdrawal of the amount of compensation deposited by the appellant – insurer in terms of the Award in MACP No.537 of 2013, dated 25th July, 2019, passed by the learned Member, MACT, Thane.
2. Heard Ms. Kundu, the learned Counsel for the applicant and Mr. Kasar, the learned Counsel for the appellant – insurer.
3. The learned Counsel for the appellant – insurer resisted the application on the ground that there is fair chance of success in the appeal and in the event the amount is allowed to be withdrawn and subsequently appeal is allowed, the insurer would suffer prejudice.

4. The applicant claimed to have sustained a crush injury to the left leg and thereby partial permanent disability to the extent of 20%. In the aforesaid backdrop the claim of the applicant that he requires the amount to meet the necessities of life, cannot be said to be unreasonable. The concern of the appellant – insurer can be taken care of by imposing appropriate conditions.

5. Hence, the following order:

: O r d e r :

- (i) The application stands allowed.
- (ii) Applicant is permitted to withdraw 50% of the amount of compensation alongwith the interest accrued thereon, subject to furnishing an undertaking, before the Tribunal that, in the event the appeal is allowed the applicants will bring back the amount alongwith interest at such rate as may be decided by the Court.
- (iii) The application stands disposed of.

[N. J. JAMADAR, J.]