

Uday S. Jagtap

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

**CIVIL APPLICATION NO. 3640 OF 2017
IN
FIRST APPEAL (ST.) NO. 9609 OF 2016**

Haribhau Gangaram Shingote	.. Applicant
In the matter of	
The New India Assurance Co. Ltd,	.. Appellant
Vs.	
Haribhau Gangaram & Anr.	.. Respondents

.....

Mr. T.J. Mendon for the applicant in CA 3640 of 2017
Mr. Sandeep S. Jinsiwale for the appellant

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 25th JANUARY, 2021

P.C.

1. A praecipe is moved for withdrawal of the amount of compensation awarded by M.A.C.T., Mumbai in Claim Application No. 358 of 2008 thereby granting an amount of Rs.2,39,300/- with interest at the rate of 7.5% p.a. from the date of application till its realization.

2. Heard Mr. Mendon, learned Counsel for the applicant. He submits that the applicant has sustained 42% of permanent disability. He had also sustained several other injuries and had undergone several surgical operations. Today, he is undergoing a great deal of hardship and finding it difficult to meet day to day expenses as well as expenses towards hospital and other treatment.

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3. The learned Counsel for the appellant – insurer submits that the amount of compensation has already been deposited.
4. In that view of the matter, the applicant is permitted to withdraw 50% of the amount of compensation with interest. The applicant shall also give an undertaking within a period of one week that in case the appeal succeeds, he will refund the entire amount with interest to the M.A.C.T., Mumbai, which will be calculated at the time of final decision of the appeal.
5. If the applicant does not file an undertaking within the aforesaid period, the amount deposited by the appellant - insurer shall be invested by the M.A.C.T in the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.
6. If 50% amount is withdrawn by the applicant, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.
7. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)