

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1593 OF 2019

IN

FIRST APPEAL NO.1021 OF 2019

Rakesh Dilip Joshi]...Applicant.

Vs.

SBI General Insurance Col. Ltd & Anr.]...Respondents.

IN THE MATTER BETWEEN:

SBI General Insurance Co.Ltd.].. Appellant.

Vs.

Rakesh Dilip Joshi & Anr.]...Respondents.

Miss Varsha Chavan for the applicant.

Mr.DS Joshi, for the original appellant in FA No.1021/2019

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 26TH FEBRUARY, 2021.

P.C. :

1. This is an application for withdrawal of amount of compensation awarded by M.A.C.T., Mumbai.
2. Heard Miss Varsha Chavan, the learned Counsel for the applicant. It is stated that the applicant had suffered severe accidental injuries in the sense, that his immunity has been severely affected on account of

‘Splenectomy. He has also suffered injury to his left eye ball. He has spent more than Rs.6 lakhs for his medical treatment. Due to loss of immunity, he will have to be on medication life long.

3. Mr.D.S. Joshi, the learned Counsel for the Insurance Company, has objected withdrawal of the amount by stating that he has a good case on merits. He submits that the driver had fake driving license which amounts to breach of policy condition.

4. Having considered respective submissions, 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, at the time of withdrawal of the amount that in case, the appeal succeeds, he shall refund the amount with interest, as per the outcome of the appeal.

6. After withdrawal of the amount, the balance amount shall be invested in a Fixed Deposit in any Nationalized Bank, for a period of one year and thereafter for one more year again, after obtaining order from this Court.

7. Application stands disposed of.

(PRITHVIRAJ K.CHAVAN,J.)