Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**INTERIM APPLICATION NO.3245 OF 2019**
**IN**
**FIRST APPEAL [STAMP] NO.16945 OF 2016**

**Chandrakant Maruti Mandhare ] Applicant**

**IN THE MATTER BETWEEN:**
**The New India Assurance Co. Ltd. ] Appellant**
**Vs.**
**Chandrakant Maruti Mandhare and Ors. ] Respondents**

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Mr. Vaibhav Gaikwad, for Applicant.

Ms. Urmila Sanil, for Respondent-Insurer.

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**CORAM : PRITHVIRAJ K. CHAVAN, J.**

**DATE : 3rd FEBRUARY, 2021.**

**P.C:**

1. This is an application for withdrawal of the amount of compensation awarded by the Chairman, M.A.C.T, Satara in M.A.C.P. No.318 of 2008 on 31st October, 2015 with accrued interest.

2. The learned Chairman had jointly and severally directed respondents No.1 to 4-opponents to pay an amount of Rs.8,07,097/- including 'no fault liability' amount of Rs.25,000/- with interest @

9% per annum to the applicant from the date of the application till realization of the same.

3. Learned Counsel for the respondent-insurer has objected withdrawal of the amount.

4. Learned Counsel for the applicant submits that the applicant has become permanently disabled and is unable to do any work. In the accident involving motor vehicles, his leg and hand got fractured and there is an implant fixed in his left leg. It is further stated that he was the only earning member of the family which is totally dependent upon him.

5. For the reasons stated in the application and considering the objections raised by the learned Counsel for the respondent-insurer, at this stage, looking to the grounds in this application, the applicant is permitted to withdraw an amount of Rs.4,00,000/-.

6. The applicant shall give an undertaking that in case, the respondent-insurer succeeds in the appeal, he will refund the amount withdrawn by him with interest as per the outcome of the appeal. The undertaking shall be filed within two weeks from today.

7. If the applicant does not file an undertaking within the aforesaid period, the amount deposited by the respondent-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.

8. If an amount of Rs.4,00,00/- is withdrawn by the applicant, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank

9. The application stands disposed of.

**[PRITHVIRAJ K. CHAVAN, J.]**