

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2202 OF 2020

IN

FIRST APPEAL (ST.) NO. 12924 OF 2015

Malan Shivaji Dhumal

...Applicant

In the matter between

The Oriental Insurance Co.Ltd.

...Applicant (Original
Opponent No. 2)

Versus

Malan Shivaji Dhumal & Anr.

...Respondents
(Respondent No. 1
Original Applicant and
Respondent No. 2 Original
Opponent No. 1)

Mr. C.M. Lokesh i/by G.S. Hegde for the Applicants and for the
Respondent No. 1 in Appeal.

Mr. Sandeep S. Jinsiwale for the Appellant.

Ms. Mallika R. Pujari i/by D.D. Shinde for Respondent No. 2 in
Appeal.

CORAM : R.I. CHAGLA J

DATE : 29 November 2022

ORDER :

1. Heard learned Counsel for both the parties.

2. By this Interim Application, the Applicant is seeking permission to withdraw the amount of compensation deposited by the Appellants in the Motor Accident Claim Tribunal, Pune.

3. By an order dated 4th September 2015, the Civil Application taken out by the Appellant for staying of the execution of the impugned judgment and award dated 14th November 2014 was granted, subject to deposit of entire amount awarded along with interest accrued thereon within six weeks before the Tribunal. The Applicant by the present Interim Application, stated that the Applicant is facing great financial problems and it is difficult to meet her daily needs of householding expenses and medicines, food, etc. Further, she is suffering from health issues. She has also stated that she requires money for maintenance purpose, as the Applicant's husband has already expired as well as her other son is not taking care.

4. The Applicant has further stated that she has taken loan which requires to be repaid and therefore, in need of withdrawal of

compensation. Accordingly, the present Interim Application has been filed.

5. Having considered the averments in the Interim Application as well as noting that the Applicant has suffered injury in the accident and that she has been awarded compensation by the MACT, Pune as well as taking note of the fact that the Applicant is facing severe financial issues as aforementioned, a case is made out for allowing the Applicant to withdraw 50% of the amount deposited by the Appellants with MACT, Pune. Hence, the following order is passed. :-

(i) The Applicant is permitted to withdraw 50% of the amount deposited by the Appellants with the Motor Accident Claim Tribunal, Pune upon furnishing an undertaking that in the event, the Appellant succeeds in the Appeal, the Applicant shall return the amount with interest at such rate as is determined by this Court.

(ii) The balance amount shall be invested by the Motor

Accident Claim Tribunal, Pune in fixed deposits with
any nationalised bank.

(iii) Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]