

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

INTERIM APPLICATION NO.9980 OF 2022

IN

FIRST APPEAL NO.630 OF 2022

Tanaji Jagannath Survase

...Applicant

Versus

The New India Assurance Co. Ltd.

...Respondents

...

Mr. Rohan H. Barge for the Applicant.

Mr. D.S. Joshi for the Respondent-Insurance Company.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JUNE, 2022.

P. C. :-

1. By this application, the Applicant has sought withdrawal of compensation awarded by the M.A.C.T., Solapur vide judgment dated 25/02/2020 in M.A.C.P. No.88 of 2015.

2. Learned counsel for the Respondent -Insurance Company opposes the application mainly on the ground that the Applicant has filed the application after considerable delay.

3. The records prima facie reveal that the Applicant had sustained injury in a motor vehicular accident. He had sustained

permanent disablement upto 60%. Considering the extent of

disablement and other reasons stated in the application, the Applicant is permitted to withdraw 50% of the compensation deposited by the Respondent-Insurance Company, subject to filing of an undertaking that the amount will be refunded in the event the Appellant succeeds in the appeal.

4. The application stands disposed of. Leave is given to apply for withdrawal, if need arises.

(SMT. ANUJA PRABHUDESSAI, J.)