

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

**CIVIL APPLICATION NO.2007 OF 2019
IN
FIRST APPEAL NO.748 OF 2019**

Jayesh Nagindas Shah ...Applicant
Versus
HDFC Ergo General Insurance Co. Ltd. ...Respondent/Appellant
.....
Mr. Niketan Nakhwa for the Applicant.
Ms Sweta Shah i/b. Mr. Abhijit P. Kulkarni for the Respondent

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 9th JUNE, 2022.

P.C.:-

1. By this application, the Applicants has sought withdrawal of compensation awarded by the Claims Tribunal, Thane vide judgment and award dated 26/10/2017 in M.A.C.P No.27 of 2014. By the impugned judgment, the Tribunal has awarded Rs. 2,76,545/- with interest @ 8% p.a. from the date of petition till final realisation.

2. Having considering the reasons stated in the application and having gone through the grounds raised in the appeal memo, the Applicant, who is original claimant, is allowed to withdraw 50% of the compensation along with proportionate interest accrued thereon

subject to an undertaking to refund the said amount in the event the Appellant-Insurance Company succeeds in the appeal. Balance amount shall be invested in fixed deposit in any nationalised bank.

3. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)