

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 389 OF 2022
ALONGWITH
INTERIM APPLICATION NO. 2913 OF 2022
IN
FIRST APPEAL NO. 389 OF 2022

M/s Reliance General Insurance Co. Ltd., Mumbai ...Appellant

vs.

Salman Abdul Hannan Khan Thr. His
Father and Next Friend Mr. Abdul Hannan
Khan and Anr. ...Respondents

ALONGWITH
INTERIM APPLICATION NO. 17651 OF 2022
IN
FIRST APPEAL NO. 389 OF 2022

Mr. Salman Abdul Hannan Khan Thr. His
Father and Next Friend Mr. Abdul Hannan
Khan and Anr. ...Applicants

vs.

M/s Reliance General Insurance Co. Ltd., Mumbai ...Respondents

Ms. Kalpana R. Trivedi - Advocate for the Appellant
Mr. Santosh S. Gavade - Advocate for the Respondents Applicants in IA
17651 of 2022.

CORAM : S. M. MODAK, J.

DATE : 24th AUGUST, 2022

P. C. :-

1. Heard learned Advocate for the Respondent No. 1/original claimant and learned advocate for the Appellant-Insurance Company.
2. The Respondent No. 1 wants withdrawal of 70% amount as

deposited by the Appellant before the Tribunal.

3. It is submitted on behalf of the Appellant that all the amount as ordered by the tribunal is already deposited by the Appellant before the Tribunal. Read the operative part of the judgment dated 14/09/2021. There is direction to invest Rs. 35,00,000/- in the name of the applicant for a period of five years.

4. Now Respondent No. 1 is restricting his request for remaining amount and according to him it is Rs. 9,00,000/-. It is acceptable to the insurance Company.

5. In view of that following Order is passed :-

(i) From the deposited amount Motor Accident Claim Tribunal Mumbai is directed to allow Respondent No. 1 to withdraw the amount alongwith interest which is in excess of Rs. 35,00,000/- (which is ordered to be kept in Fixed Deposit).

(ii) The amount be transferred by RTGS after furnishing the bank details by the Respondent No. 1.

(iii) Respondent No. 1 furnish undertaking that this amount will be returned if this court so directs.

6. Interim Application No. 17651 of 2022 is disposed of.

[S. M. MODAK, J.]