

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

**INTERIM APPLICATION NO.19318 OF 2022
IN
FIRST APPEAL (STAMP) NO.2550 OF 2016**

Samita Subhash Dhumal ...Applicant

Versus

National Insurance Company ...Respondent

...

Mr. C.M. Lokesh i/b. Mr. G.S. Hegde and Associates for the Applicant.
Mr. Rahul Mehta i/b. M/s. KMC Legal Venture for the
Respondent/Appellant-Insurance Company.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th OCTOBER, 2022.

P. C. :-

1. By this application the Applicant has sought withdrawal of compensation awarded by the Claims Tribunal, Pune in M.A.C.P. No.313 of 2014.

2. By order dated 04/02/2016 the Applicant -original Claimant was permitted to withdraw 20% of the compensation without furnishing any security, subject to the outcome of the appeal.

3. Applicant is the injured. He has sustained injuries in a motor vehicular accident resulting in 40% permanent disablement.

Considering the said fact and the other reasons stated in the application as well as the grounds raised in the appeal memo, the Applicant is permitted to withdraw additional 30% of the compensation with proportionate interest accrued thereon. Suffice it to say that the withdrawal shall be subject to filing of an undertaking that the amount shall be refunded with interest in the event the Appellant succeeds in the appeal.

4. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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