

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.20426 OF 2022

IN

FIRST APPEAL NO.1144 OF 2022

Mast. Shreyas Santosh Indap ...Applicant

In the matter between

Tata AIG General Insurance Co. Ltd. ...Appellant

Versus

Mast. Shreyas Santosh Indap & Anr. ...Respondents

Mr. T.J. Mendon for Applicant in IA No.20426 of 2022 and for the Respondents.

Mr. Pradyuman Thakurdesai i/b. Mr. D.S. Joshi for the Appellant and Applicant in IA No.19001 of 2022.

CORAM : R.I. CHAGLA J

DATE : 05 December 2022

ORDER :

1. By this Interim Application, the Applicant is seeking permission to withdraw the amount deposited by the Appellant with the MACT, Mumbai pursuant to the order dated 11th October 2022.

2. By the said order, execution and implementation of the impugned judgment and award was stayed, by recording statement of the Appellant that entire amount of compensation as per the impugned judgment and award will be deposited. Thereafter, in view of the deposit of the entire amount, execution and implementation of the impugned judgment and award was stayed till the hearing and disposal of the First Appeal.

3. The Applicant has made out a case for withdrawal of 50% of the amount deposited, particularly, considering that the Applicant claims to have sustained several serious injuries and had undergone surgical operations and was hospitalized for a considerable long time. The Applicant is stated to have spent substantial amount on medical expenses which has been quantified in the sum of Rs. 52,152/-. Further, there are future medical expenses for the rest of the Applicant's life. The Applicant is accordingly, suffering hardship and thus, is entitled to withdraw 50% of the amount deposited. Hence, the following order is passed. :-

- (i) The Applicant is permitted to withdraw 50% of the amount deposited by the Appellant before the MACT,

Mumbai upon furnishing an undertaking against the disbursement of the said amount that if the Appellant succeeds in the First Appeal, the Applicant shall return the amount with interest at such rate as determined by this Court.

(ii) If 50% amount is withdrawn by the Applicant, balance amount shall be invested by the MACT, Mumbai in the fixed deposit of a nationalised bank.

(iii) Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]