

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 62 OF 2020
IN
FIRST APPEAL NO.203 OF 2009**

VIJAY PRIYOLKAR.,

... Applicant.

Versus

THE NEW INDIA ASSURANCE CO.
LTD. AND ANR.,

.... Respondents.

**Mr Gaurish Agni with Mr K. Kavlekar, Advocates for the
Applicant.**

CORAM: M. S. SONAK, J.

DATED : 2nd FEBRUARY 2023

P.C.:-

1. Heard Mr Kavlekar for the Applicant.
2. Mr Kavlekar points out that the Appellant-Insurance Company had deposited the awarded amount as pre-condition for stay of execution. Ultimately, by Judgment and Order dated 9/8/2018, First Appeal No.203/2009 was dismissed. He, therefore, submits that the amount deposited by the Insurance Company should be released to the Applicant-Claimant.

3. A perusal of the Judgment and Order dated 9/8/2018, indicates that the Appeal was indeed dismissed by making the following order :

“The appeal is dismissed and the impugned judgment dated 18.11.2008 is confirmed pursuant to which the learned Tribunal held the claimant entitled to the compensation of ₹62,000/- with interest at the rate of 9% p.a. from the date of the filing of the petition till the date of the final payment.”

4. Accordingly, the Applicant/Claimant is entitled to withdrawal of the amount deposited by the Appellant-Insurance Company. Registry to permit the Applicant-Claimant to withdraw the said amount, together with interest that shall have accrued on such amount.

5. Mr Kavlekar sates that the Applicant/Claimant will provide the necessary identification and bank details. Registry to ensure that the amount is directly transferred into the Applicant/Claimant's bank account.

6. Civil Application No.62/2020 is disposed of.

M. S. SONAK, J.