

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

INTERIM APPLICATION NO.4254 OF 2023

IN

FIRST APPEAL NO.786 OF 2022

Sandeep Govind Chavan @ Lamani & Ors.

...Applicants

Versus

HDFC Ergo General Insurance Co. Ltd., Thane

(Earlier Known as L & T Insurance Co.)

...Respondent

Mr. Mohit P. Dalvi for the Applicant in IA.

Ms. Shrutika Kawle i/by Mr. Tushar Bhendale for Respondent No.1.

Ms. Gargi Warunjikar i/by Mr. Nitesh Bhutekar for Respondent No.5.

CORAM : RAJESH S. PATIL, J.

DATED : 6 NOVEMBER, 2023

P.C.:

1. This Interim Application is filed for withdrawal of the amount deposited by the Insurance Company before the concerned MACT.

2. It is a case of the Applicant that due to unfortunate accident, he has suffered 45% permanent disability and is not able to earning anything. It is a further case of the Applicant that one of his leg has been removed from the ankle and one leg from the knee. The medical expenses for the treatment are huge. The Applicant is now suffering from starvation.

3. I have heard both the sides and I have gone through the contents of the Interim Application, the case is made out for partial withdrawal.
4. The Applicant further states that 50% of the amount has already been withdrawn. From the balance amount remaining 50% is allowed to be withdrawn along with accrued interest as per the ratio mentioned in the impugned Judgment and Award, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.
5. The Registry to see that the money is transferred to the account of the Applicant.
6. Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.
7. All the parties to act on an authenticated copy of this order.
8. The Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)