IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14684 OF 2023
WITH
INTERIM APPLICATION NO.4242 OF 2023
IN
FIRST APPEAL (ST) NO.26173 OF 2016

Reliance General Insurance Co. Ltd. … Appellant

V/s.

Mehul Vinod Bhansali and Anr. … Respondents.

Ms. Shalini Shankar, Advocate for the Appellant.
Mr. Abhay Kumar Apte, for Applicant in IA/4242/2023.

CORAM : RAJESH S. PATIL, J.

DATED : 30 OCTOBER 2023

P.C.:

INTERIM APPLICATION NO.14684 OF 2023

1. The Advocate for Appellant state that she had prepared challan for payment of Court Fees. However, as there was a mistake, she has applied for defaced of challan, she therefore seeks time, so that after refund, she can pay the deficit Court Fees.

2. Heard. I have gone through the contents of the Interim Application. Interim Application is allowed in terms of prayer clause (a) and (b). Advocate for the Appellant is granted six weeks

This order is corrected as per speaking to the minutes of order dated 2 November, 2023.

to pay the deficit Court Fees.

3. If the deficit court fees are not paid within six weeks, the matter to stands dismissed without further reference to the Court.

INTERIM APPLICATION NO.4242 OF 2023

1. This Interim Application is filed by the original claimant for withdrawal of the amount by the Appellant /Insurance Company before the concerned MACT, Pune.

2. By impugned Award dated 9 March, 2016, a claim of Rs.26,05,370/- along with interest at a rate of 10% per annum was allowed. The Insurance Company deposited the entire 'Award' amount along with interest with the MACT, Pune.

3. Thereafter, by Order passed on 16 January, 2018 in Civil Application No.3703 of 2017, the Applicant was permitted to withdraw a sum of Rs.15,00,000/- along with accrued interest thereof. Accordingly, the Applicant withdrew a sum of Rs.15,00,000/- along with accrued interest.

4. The present Application for further withdrawal has been filed on the ground that even though the accident took place in the year 2009, after 14 years the Appeal is pending before this Court in fact civil application is rejected. It is further stated that due to the accident the physical condition of the Applicant is not such that he can work and earn for his livelihood. The Municipal Hospital to the extent of 86%. the Applicant is dire in need of monies for his day to day needs including medical expenses. Therefore, the present application has been filed. Though Insurance Company was served

long back no reply to this Interim Application is filed by them.

5. I have heard both the sides and I have gone through the contents of the Interim Application, a case is made out to partially allowed this Interim Application. The Applicant is allowed to withdraw a further sum of Rs.10,00,000/- from the balance amount left with the MACT, Pune, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount withdrawn with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

6. After withdrawal of Rs.10,00,000/-, 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.)

This order is corrected as per speaking to the minutes of order dated 2 November, 2023.