

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

**INTERIM APPLICATION NO.15783 OF 2023
IN
FIRST APPEAL (ST) NO.29867 OF 2022**

Yogesh Shivaji Kale & Ors.	...Applicants/Appellants
Versus	
National Insurance Company Limited	...Respondent

Mr. Nikhil Mehta i/by KMC Legal Venture for the Applicants/Appellants.
Mr. Dnyandeo Shinde a/w Mr. Yogesh Thorat for Respondents &
Applicant in IA/15783/2023.

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.

2. It is a case of the Applicant that due to the unfortunate accident, he has incurred expenses of Rs.6,79,000/- towards hospitalization and medical bills. It is further case of Applicant that due to the accident he has become 79% permanent disability. It is further submitted that the Applicant will also require future medical treatment for which again there will be a lot of expenses. Therefore, it is prayed that the Applicant be allowed to withdraw the amount deposited by the Insurance Company, which according to him is more than Rs.86,00,000/- as of today.

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3. I have heard both sides and I have gone through the contents of the Interim Application, a case is made out a partial withdrawal of the amount deposited by the Insurance Company.
4. The Applicant is allowed to be withdrawn a sum of Rs.45,00,000/-, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the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.)