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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14292 OF 2023
IN
FIRST APPEAL NO.41 OF 2023

Tukaram H. Holkar	...Applicant
V/s.	
Oriental Insurance Co. Ltd. & Anr.	...Respondents

Ms.Varsha Chavan for the Applicant in IA

Mr.Nikhil Pawar for the Appellant in IA.

CORAM : RAJESH S. PATIL, J.
DATE : 14TH SEPTEMBER, 2023.

P.C. :-

1. This Interim Application is for withdrawal of the amount deposited by the Respondent- Insurance Company, before the MACT, Mumbai. The Applicant is 80 years of age. The Applicant has stated that considering the age, the entire amount deposited by the Insurance Company be permitted to be withdrawn. Due to old age, he has to bear the medical expenses.

2. I have heard both the sides, no reply is filed by the Insurance Company opposing this Application. I have also gone through the contents of the Interim Application. According to me, in

the interest of justice, it would be appropriate if the Applicant is permitted to withdraw 75% of the Award amount deposited by the Insurance Company by the impugned judgment and order dated 25 August 2022.

3. The Applicant is permitted to withdraw 75% of the Award amount awarded to the Applicant, upon furnishing an undertaking before the concerned MACT to the effect that if he fails in this First Appeal, he 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.

4. 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.

5. The Interim Application is accordingly disposed of.

6. All the parties to act on an authenticated copy of this order. Issuance of certified copy of the order is expedited.

7. The interim application is accordingly disposed of.

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1. The Applicant is permitted to file private paper book, a compilation of document, short synopsis along with their proposition of law and authorities relied upon by them within four weeks from

today.

2. Stand over to 26 October 2023.

(RAJESH S. PATIL, J.)