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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15692 OF 2023
IN
FIRST APPEAL NO.365 OF 2021

Hazairlal S. Verma ...Applicant
V/s.
Reliance General Insurance Co.Ltd. & Anr. ...Respondents

Mr.T.J. Mendon for the Applicant.

Ms.Poonam Mital for the Respondent.

CORAM : RAJESH S. PATIL, J.
DATE : 29TH SEPTEMBER, 2023.

P.C. :-

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

2. It is submitted by the Applicant that the Applicant is a senior citizen . It is further stated that due to unfortunate accident, he has sustained very serious injuries which resulted in permanent partial disability. He was in fact underdone several surgical operations and was hospitalized for considerable long time and spent substantial amount towards the medical and hospital expenses amounting to Rs.16,59,110/- and his medical expenses will continue. Therefore, he prayed that if he is allowed to withdraw the amount

deposited by the Insurance Company before the MACT, Mumbai.

3. The Insurance Company has not filed any reply to this Interim Application.

4. I have heard both the sides and I have 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 70% of the 'Award' amount deposited by the Insurance Company as per the ratio mentioned in the impugned Judgment and Award.

5. The Registry to see that the money is transferred to the account of the Applicant.

6. The 70% of the 'Award' amount awarded to the Applicant is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if he fails in this First Appeal, he will return the amount with interest, at such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.

7. 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.

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

9. The interim application is accordingly disposed of.

10. Place the First Appeal for hearing and final disposal on 30 October 2023.

(RAJESH S. PATIL, J.)