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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16576 OF 2023
IN
FIRST APPEAL NO.449 OF 2023

Nivrutti K. Pansare ...Applicant
V/s.
Reliance General Insurance Co. Ltd. & Anr. ...Respondents

Ms.Shalini Shankar for the Appellant in FA.

Mr.T.J. Mendon for Respondent No.1 and for the Applicant in IA.

CORAM : RAJESH S. PATIL, J.
DATE : 1ST NOVEMBER, 2023.

P.C. :-

1. This Interim Application is filed for withdrawal of the amount deposited by the Appellant/ Insurance Company before the MACT, Mumbai.

2. It is the case of the applicant that he is senior citizen of 72 years and is working as farmer. Due to the accident and on this advance stage, he has suffered injuries and has resulted into permanent partial disability. Due to unfortunate accident, there were several surgical operations and hospitalization for considerable long time and there is medical expenses he has spent substantial amount to the extent of Rs.50,000/-. Further he has to visit the doctor and

pay the fees. Due to the accident, it is also difficult for him to earn and spend on him the day to day expenses. He has to dependent on the friends and relatives for financial help. Therefore this Interim Application for withdrawal of the amount deposited by the Appellant / Insurance Company.

3. 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 75% of the ‘Award’ amount deposited by the Insurance Company along with accrued interest.

4. The 75% of the ‘Award’ amount awarded to the Applicant is allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if he fail in this First Appeal, he will return the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.

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.

Issuance of certified copy of this order is expedited.

8. The Interim Application is accordingly disposed of

(RAJESH S. PATIL, J.)