

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1185 OF 2023

Best Undertaking, Mumbai	... Appellant
Versus	
Shahil Siraj Shaikh (Minor)	... Respondent
Through Next Friend and Natural Guardian-	
Siraj Ahmad Maqsood Ahmad	

WITH
INTERIM APPLICATION NO. 9689 OF 2024 (withdrawal)
IN
FIRST APPEAL NO. 1185 OF 2023

Sahil Siraj Shaikh (Minor)	
Through Next Friend and Natural Guardian-	
Siraj Ahmad Maqsood Ahmad	... Applicant

Best Undertaking, Mumbai	... Appellant
Versus	
Shahil Siraj Shaikh (Minor)	... Respondent
Through Next Friend and Natural Guardian-	
Siraj Ahmad Maqsood Ahmad	

.....

Ms. Karishma Jhaveri i/b. Navdeep Vora & Associates, Advocate for the Appellant in FA/1185/2023.

Mr. Ranveer Shekhawat i/b. M/s. Raj Legal, Advocate for Respondent in FA/1185/2023 and for Applicant in IA/9689/2024.

CORAM : ARUN R. PEDNEKER, J.
DATED : 1st JULY, 2024.

P.C. :

1. Heard learned counsel for the parties.
2. The appeal is filed on the various grounds and primarily one of the ground is that the compensation granted is on higher side.

3. PER CONTRA, learned counsel appearing for the claimant submits that there is scope of enhancement in the matter and that the purchase of prosthesis and maintenance of prosthesis of the amputated leg only granted till the age of 18. He submits that there is scope for further enhancement of compensation. He also submits that huge expenditure is already incurred by the parents of the claimants towards medical as well as prosthesis and that some amount be released for the same.

4. The matter will take long time for decision and the Tribunal has also directed to invest Rs.20,00,000/- and Rs.15,00,000/- in fixed deposit from the amount of Rs.68,30,556/- and Rs.25,00,000/- has been already withdrawn by the claimant. Thus, I permit the claimant to withdraw further Rs.5,00,000/- from the amount deposited by the Insurance Company.

5. In view of the above, Interim Application No. 9689 of 2024 is disposed of.

6. The First Appeal is admitted.

7. Call R & P.

8. List the appeal for hearing after six months.

(ARUN R. PEDNEKER, J.)