

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11556 OF 2024
IN
FIRST APPEAL (ST) NO.12395 OF 2024**

Dilip D. Deshmukh ...Applicant
Versus
1. HDFC ERGO General Insurance
Company Ltd.
2. Tushar S. Thorat ...Respondents

In the matter of First Appeal (ST) No. 12395 of 2024

HDFC ERGO General Insurance
Company Ltd. ...Appellant
Versus
Dilip D. Deshmukh & anr. ...Respondents.

Ms Rina Kundu for the Applicant-Dilip Deshmukh.
Mr.Sarthak S. Diwan for the Appellant - HDFC ERGO General
Insurance Co.

**CORAM : N. R. BORKAR, J.
DATE : 08.08.2024.**

PC:-

1. This application is filed by the original claimant /respondent No.1 in the First Appeal (St) No. 12395 of 2024 for withdrawal of the amount of compensation deposited by appellant-HDFC ERGO General Insurance Co. (Insurance Company) pursuant to the impugned judgement and award dated 07.12.2023 passed by the Motor Accident Claim Tribunal, Mumbai in Motor Accident Claim Petition No. 190 of 2014.

2. I have heard the learned counsel for the claimant/ respondent No.1 and the learned counsel for the appellant- InsuranceCompany.

3. The learned counsel for the claimant/respondent No.1 submits that due to accidental injuries, respondent No.1 was in hospital for 30 days and had incurred the expenses of Rs.4 lakhs.
4. Considering the facts and circumstance, it would be appropriate to permit the claimant/respondent No.1 to withdraw 50% of awarded amount of compensation.
5. The Tribunal shall permit the claimant/respondent No.1 to withdraw 50% of the awarded amount with interest, if any, subject to filing of usual Undertaking by him before the Tribunal.
6. Needless to mention that the Tribunal shall invest the balance amount of compensation in F.D.R. in any nationalised bank.
7. Interim Application is disposed of in the aforesaid terms. No costs.

(N.R. BORKAR, J.)