

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Civil Application No. 15776 of 2015

(In First Appeal No. 1957 of 2014)

Ravindra s/o. Narayan Marathe,
Age : 40 years,
Occupation : Service,
R/o. Plot No.40, Samrat Nagar,
Jamnagari Road, Dhule,
Taluka & District : Dhule.

.. Applicant.

versus

National Insurance Company Ltd.,
Registered office :
3, Meddleton Street,
Calcutta,
Branch Office
Maharana Pratap Chowk, Dhule,
Through its Manager,
Divisional Office, at Hazari Chambers,
Station Road, Aurangabad,
& another.

.. Non-applicants.

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Mr. L.V. Sangit, Advocate, for the applicant.

Mr. H.A. Patankar, Advocate, for non-applicant no.1.

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CORAM : A.M. BADAR, J.

DATE : 18TH DECEMBER 2015

PER COURT :

1. This is an application by respondent / original claimant for

withdrawal of amount of compensation awarded to him by the learned Member of the Motor Accident Claims Tribunal, Dhule, in M.A.C.P. No. 217/2006, on 4-8-2014.

2. Heard Mr. Sangit, the learned Counsel appearing for the applicant - claimant and Shri Patankar, the learned Counsel appearing for non-applicant no.1 - Insurance Company.

3. Perused the impugned judgment and award. The claim was for compensation on account of permanent disability to the extent of 80 % suffered by the claimant. After trial, it is held that the vehicle owned by original respondent no.1 and original respondent no.2 / appellant was involved in the accident causing injuries to the claimant.

4. Shri Patankar, the learned Counsel appearing for non-applicant / appellant - Insurance Company, vehemently argued that the involvement of the offending vehicle in the accident is seriously in doubt. The FIR was against unnamed driver of unidentified vehicle. Ultimately with passage of time it was transpired that the motor vehicle of original respondent no.1 was involved in the accident. Hence according to Shri Patankar, the learned Counsel, the amount should not be released in favour of the applicant.

5. Considering the fact that the applicant / original claimant is seriously injured in the accident and after due trial involvement of the offending vehicle is held to be proved by the learned Motor Accident Claims Tribunal, Dhule, the applicant cannot be prevented from

withdrawing at least some amount of compensation on furnishing necessary security.

6. Hence I pass the following order :-

The applicant / original claimant is permitted to withdraw an amount of Rs. 5,00,000/- out of the amount of compensation deposited before this Court by non-applicant no.1 / appellant, on furnishing solvent surety. Rest of the amount be kept in Fixed Deposit in any nationalized Bank initially for a period of six months and thereafter same be renewed for every six months till disposal of the appeal.

7. The Civil Application is disposed of in the above terms.

(A.M. BADAR)
JUDGE

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