

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

47 CIVIL APPLICATION NO. 2031 OF 2016
IN FAST/25588/2015 WITH CA/13968/2015 IN FAST/25588/2015
WITH CA/13969/2015 IN FAST/25588/2015

SANDEEP RANGNATH SHEVKAR
VERSUS
M/S. SHRIRAM GENERAL INSURANCE CO. LTD. AND ANR

...
Advocate for Applicants : Shaikh Mazhar A. Jahagirdar
Advocate for Respondent No. 1 : S G Chapalgaonkar
...

CORAM : T.V. NALAWADE, J.
DATED : 22nd February, 2016.

ORDER :

1. Civil Application No. 2031/2016 is filed for permission to withdraw the compensation amount deposited by the appellant, Insurance Company. Both the sides are heard.
2. The learned counsel for Insurance Company has strong objection and he submitted that the Insurance Company is ready even for final disposal of the case. However, the learned counsel for original claimant prays for hearing of the present application as record and proceeding is not yet called and it may take time for disposal of the matter. This Court has gone through the judgment and award. It is the case of loss of one upper limb. The Tribunal has considered the record of employment. Today, to this Court, the learned counsel for original claimant showed zerox copy of salary certificate issued by Unic Delta Force Pvt.

Ltd. and it shows that claimant was getting amount of Rs. 7467/- as gross salary and amount of Rs. 788/- was deducted from salary amount. This certificate is considered and used by the Tribunal. In view of these circumstances and after considering the approximate amount which the claimant may get, this Court holds that permission needs to be granted to withdraw the amount of Rs. 14,00,000/- (Rupees fourteen lakh) with interest. In those terms the application is allowed and disposed of.

3. Civil Application No. 13968/2016 is filed for condonation of delay of 89 days caused in filing the appeal. Owner is served, but he has not turned up. Heard the learned counsels for appellant and original claimant. In view of the contents of the application and submissions made, this Court holds that sufficient cause is shown. The application is allowed. Delay is condoned.

4. Notice in appeal. Learned counsel Mazhar Shaikh waives notice for original claimant. Notice to owner is made returnable on 12.7.2016. Call record and proceeding.

5. The learned counsels agree for final disposal of the appeal. So stay application is disposed of.

[T.V. NALAWADE, J.]

ssc/