

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

49 CIVIL APPLICATION NO. 2970 OF 2016
IN FA/1072/2016

PARSHURAM BHIKAJI PAWAR

VERSUS

RELIANCE INSURANCE COMPANY THR ITS MANAGER AND ANR

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Advocate for Applicant : Mr. Amol S. Gandhi h/for
Bilolikar Upendra B.

Advocate for Respondents : Mr. Dahat Rohit H., S.S. Patil
& Mr. M. R. Dahat

CORAM : V. K. JADHAV, J.

DATE : 16th March, 2016

PER COURT :

1. Heard both sides.
2. Learned counsel for the applicant submits that the applicant sustained injuries which resulted into permanent disablement. The learned counsel submits that right leg of the applicant came to be amputated below knee. Learned counsel submits that the applicant incurred medical expenses and at present, he is not able to do any labour work.
3. The learned counsel for the non applicant/Insurer has strongly resisted the application for withdrawal. The learned counsel submits that in the claim petition arising out of one and the same accident, the learned Member of the Motor Accident Claims Tribunal, Nanded has taken a different view and exonerated the Insurer.

4. Considering the fact that right leg of the applicant came to be amputated below knee and the applicant being a labour, is not able to do any labour work, I am inclined to allow him to withdraw certain amounts. Hence following order:

O R D E R

- i. Civil application is partly allowed.
- ii. The applicant is hereby permitted to withdraw amount of Rs.1,50,000/-(Rupees one lakh fifty thousand only) on submitting an undertaking to the satisfaction of Registrar (Judicial) of this Court.
- iii. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

JPC