

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

**CIVIL APPLICATION NO. 14059 OF 2015
IN
FIRST APPEAL NO. 1243 OF 2015**

Suchita Satish Gundare **APPLICANT**

V E R S U S

The New India Assurance Co. Ltd.
& Ors. **RESPONDENTS**

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Mr. V.D.Gunale, Advocate for Appellant.

Mr. M.M.Ambhore, Advocate for R.No. 1.

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CORAM : T.V.NALAWADE, J.

DATE : 20th JANUARY, 2016

ORAL ORDER :-

. This application is filed for permission to withdraw the compensation amount deposited by the Insurance Company. Heard learned counsel for both sides.

2. Learned counsel for Insurance Company strongly opposed the application and submitted that involvement of vehicle itself is in question and there is no convincing evidence of the involvement.

3. This Court has carefully gone through the record. Direct evidence is given on the point of involvement and there is record like R.T.O. Report.

Nothing in rebuttal is given by the Insurance Company.

4. On the point of quantum, learned counsel for Insurance Company has taken strong objections by contending that no proper method is used and higher compensation is awarded.

5. The claim was in respect of the injuries sustained by the claimant. This court has gone through the record of injury and the evidence of Doctor. There were injuries to the face, left hand and left leg. In support, disability certificates are issued in respect of all these injuries. Huge amount was spent on treatment and medicines. Some amount is given under the head of loss of future earning.

6. In view of the above facts, this Court holds that permission can be given to withdraw ₹ 4,00,000/- [Rupees Four Lac] with interest subject to the undertaking that the amount will be deposited at the same interest if the appellant succeeds.

7. Disbursement is to be made as per the Award made by the Tribunal.

8. In these terms, Civil Application stands disposed of.

[T.V.NALAWADE, J.]

