

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, Court's orders or directions and Registrar's orders.	Notes, of Court's orders or Registrar's orders.	Office Coram,	Court's or Judge's orders.
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CIVIL APPLICATION NO. 16495 OF 2015
IN FAST/13791/2014 WITH CA/5170/2014 IN FAST/13791/2014
WITH CA/5171/2014 IN FAST/13791/2014

BALAJI SAMBHAJI BHANGE AND ANOTHER
VERSUS
ORIENTAL INSURANCE COMPANY LTD. LATUR AND OTHERS

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Advocate for Applicants : Mr. S V Mundhe
Advocate for Respondent No.1: Mr. U S Malte.

CORAM: T. V. NALAWADE, J.
DATED: 18th JANUARY, 2016.

PER COURT:

1. The application is filed for permission to withdraw the amount deposited by the insurance company. Both the sides are heard. Seen the judgment.
2. The insurance company wants to challenge the decision of the Tribunal on the ground (i) that more persons than the permitted numbers were traveling in the jeep and (ii) the Tribunal has not considered the inconsistencies in the salary certificates produced by the claimant on the record.
3. This Court has carefully gone through the reasoning

and particularly those portions discussing the evidence on income. It appears that the first gross salary certificate was Rs.6,626/-. The claimant remained in service even when he is suffering from 100% disability and he could not do anything as he was availing leave of various kinds and he was not removed from service as for some period he is required to be kept in service, like 5 years. During this period also it appears that he did not improve and did not become fit to join the service.

4. The Tribunal has considered the circumstances that after implementation of 6th pay commission report, which was done in June 2008 his gross salary was Rs.17,931/-. Even if some amount is deducted towards professional tax and income tax, further increase of 30% is considered as he was aged about 42 years at the relevant time and he was expected to serve up to the period of 60 years. All these circumstances are considered by the Tribunal. Some amount is given under the heads like amount spent on treatment, medicine, attendance and some amount is given under the head of loss of enjoyment of life. The total compensation of Rs.35,37,700/ is given by the Tribunal but

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the interest at the rate of 7% p.a. Is given. In view of these circumstances, this Court holds that the claimant can be allowed to withdraw the amount of Rs.30 Lakh after giving undertaking. In those terms, the application is disposed of.

(T. V. NALAWADE, J.)

Dt.18/01/2016.
ans/16495