

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 1619 OF 2014
IN
FIRST APPEAL NO. 1282 OF 2012**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Amit Munde for the applicant.
Mr. D.S. Joshi for the respondent.

**CORAM : K. K. TATED, J.
DATED : 08/02/2016**

PC.:

- . Heard learned Counsel for the parties.
- 2 This application is preferred by claimant for permission to withdraw the amount deposited by the Appellant Insurance Company.
- 3 In the present proceeding, in the accident which occurred on 05.12.1995, Applicant sustained several injuries. Because of said accident, he suffered 45% disability. At the time of accident, he was in service as Deputy Systems and Procedure Manager with Hindustan Petroleum Corporation Ltd. His salary was Rs.19,000/- per month. Because of accident, he was on leave from 05.12.1995 to 03.06.1997. Hence, Applicant has filed application under Section 166 of M.V. Act claiming

compensation of Rs.15 lacs.

4 Considering the evidence on record, the Tribunal awarded sum of Rs.1,00,493/- towards Medical Expenses, Rs.1,00,000/- towards Pain and Suffering, Rs.1,56,582/- for loss of salary, Rs. 3,600/- for conveyance, Rs.30,000/- for Special diet and Rs.24,400/- for Physiotherapy. In this way, Trial Court awarded total sum of Rs.4,15,075/- after deducting 20% towards contributory negligence along with interest @ 7.5% per annum.

5 The learned Counsel for the applicant after taking instructions from his client who is present in the Court makes a statement that applicant is ready and willing to provide solvent security to the satisfaction of the Trial Court for withdrawal of amount. Statement is accepted.

6 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing him to withdraw the entire amount deposited by the Insurance Company by providing solvent security to the satisfaction of the Trial Court.

7 Hence, following order is passed:

a) Applicant Mr. Sharad Maharu Jadhav is permitted to withdraw the entire amount deposited by the Appellant Insurance Company before the

Tribunal by providing solvent security to the satisfaction of the Trial Court within six weeks from today.

b) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)