

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL ST. NO.15752 OF 2015

United India Insurance Co. Ltd.

-vs-

Kishor Narisa Pachgade and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri D. N. Kukday, Advocate for appellant.
Shri P. R. Agrawal, Advocate for respondent
No.1/applicant.

CORAM : A.S.CHANDURKAR, J.

DATE : May 03, 2016

Heard.

Admit. Call for record and proceedings.

Shri P. R. Agrawal, learned counsel waives notice on
behalf of respondent No.1.

Shri D. N. Kukday, the learned counsel for the
appellant states that the costs of Rs.500/- have been paid
and office objections have also been removed. Office to
verify and take further steps if necessary.

C.A.F. No.1567 of 2016

The claimant seeks permission to withdraw the
amount compensation. In the application, it is stated that
the claimant has suffered 90% permanent disability and
his left leg was required to be amputated. It is further stated
that the claimant was employee with the State
Government and on that basis, the amount of
compensation has been determined.

The application is opposed by the learned counsel for the appellant on the ground that the compensation awarded is on a higher side without taking into consideration the aspect that the claimant continued to receive his salary even after the accident. It is further stated that the claimant is also receiving the amount of pension. It is therefore submitted that the appeal has been preferred disputing the amount of compensation awarded.

Perused the judgment of the Claims Tribunal. Considering the nature of evidence available on record, for the present the claimant is permitted to withdraw an amount of Rs.20,00,000/- (Twenty lakhs) on filing undertaking that in case the appeal is allowed, the amount withdrawn shall be repaid with interest at such rate the Court may direct. Rest of the amount shall be invested in Fixed Deposit.

It would be open for the claimant to apply for further withdrawal of the amount of compensation which application shall be considered on its own merits.

Civil application is disposed of.

JUDGE