

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

973 CIVIL APPLICATION NO. 5884 OF 2017
IN FA/489/2015

RAMLAL NANDLAL JAIN (CHHORIYA)
VERSUS
THE ORIENTAL INSURANCE CO. LTD. AND OTHERS

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Advocate for Applicant : Mr. Deshpande C.R.
Advocate for Respondent No. 1 : Mr. Siddharth S. Wagh
H/f Mr. A. S. Deshpande.

CORAM : K. L. WADANE, J.

DATE : 6th October, 2017

ORDER:

1. Heard learned counsel appearing for the applicant and the learned counsel appearing for the respondent/insurance company.

2. This is an application for withdrawal of amount of compensation deposited by the respondent No. 1/ Insurance Company in this Court. Learned counsel for the respondent No. 1 submits that, already the claimant/applicant has withdrawn 50 % amount out of total amount of compensation.

3. I have gone through the reasons recorded by the Tribunal. It appears that the applicant/claimant was income-tax payee. In the accident one leg of the claimant was amputated and another leg was injured. So

considering the facts, the learned Tribunal has considered 100 functional disability of the applicant. The applicant was having milk business and was earning more than Rs. 3,00,000/- per month.

4. The learned counsel appearing for the applicant submits that the applicant is ready to give bank guarantee for the amount of compensation to be paid to the claimant.

5. In view of the above, the application is allowed. The applicant is permitted to withdraw the remaining 50 % amount of compensation along with interest on furnishing bank guarantee to the satisfaction of the learned Tribunal.

6. The amount deposited by the insurance company in this Court be transferred to the concerned Tribunal for its payment.

7. Civil Application is disposed of.

(K. L. WADANE, J.)

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