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

**951 CIVIL APPLICATION NO. 3718 OF 2017
IN FAST/36723/2016**

**BALASAHEB BHAUSAHEB MHASKE
VERSUS
SHUSHILA BHASKARRAO TAMBE AND ANR**

...

Advocate for Applicant : Mr Shaikh Mazhar A. Jahagirdar

Advocate for Respondent No.1 : Mr D. R. Adhav

Advocate for respondent No.2 : Mr A. B. Kadethankar

CORAM : V.K. JADHAV, J.

DATE : 28th April, 2017

ORAL ORDER

Heard both the sides.

2. The learned counsel for the applicant submits that the applicant has sustained the injuries in the accident which resulted into permanent disablement to the extent of 60%.

3. The learned counsel for respondent – insurer has strongly resisted the application on the ground that the applicant has sustained only 15 to 20% of the disablement and the Doctor, who has issued the disability certificate to the extent of 60%, was not a treating Doctor. The learned counsel for the respondent – insurer submits that the applicant is a civil contractor by occupation and there is no loss of income as such and even though the Tribunal has awarded exorbitant amount of compensation.

(2)

4. In view of the above submissions and the fact that the applicant has incurred the medical expenses and disablement to some extent, the applicant is hereby permitted to withdraw an amount of Rs.5,00,000/- (Rupees Five Lacs) on furnishing undertaking to the satisfaction of the Registrar (Judicial).

5. Civil Application is accordingly disposed of.

(V.K. JADHAV, J.)

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