

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

CIVIL APPLICATION NO. 5064 OF 2017
IN FAST/36330/2016 WITH CA/16337/2016 IN FAST/36330/2016

MAHESH JAGATRAO BAGUL
VERSUS
UNITED INDIA INSURANCE CO. LTD. THR ITS ADM OFFICER,
AURANGABAD AND ANR

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Advocate for Applicant : Shri Rane Girish S.
Advocate for Respondents : Shri S. R. Bagal for R/1.

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CORAM: V.K. JADHAV, J.

DATE :- 21st April, 2017

Per Court:

1 The learned counsel for the Applicant submits that the Applicant may be permitted to withdraw the entire amount. He submits that if this Court is inclined to allow the withdrawal, the Applicant is ready to furnish the solvent surety for withdrawal of the amount.

2 The learned counsel for the Respondent/ Insurer has strongly resisted the application on the ground that the Tribunal has awarded exorbitant amount of compensation and the same is evident from the award of compensation under the non pecuniary heads such as pains and sufferings. The learned counsel submits that the Tribunal has awarded near about Rs.8 lac for pains and sufferings and considered the personal

disablement sustained by the Applicant affecting his earning capacity on the basis of the observations made by the Tribunal itself and not on the basis of any expert's opinion.

3 In view of the above submissions, the Applicant is hereby permitted to withdraw 50% of the amount deposited in this Court along with interest accrued on the said 50% amount, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court. The Civil Application for withdrawal of amount is, accordingly, disposed of.

(V.K. JADHAV, J.)