

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

CIVIL APPLICATION NO. 7539 OF 2017
IN FAST/9545/2017

DNYANESHWAR VISHWANATH WAGH
VERSUS
THE MANAGER UNITED INDIA INSURANCE CO. LTD
AHMEDNAGAR AND ANR

...
Advocate for Applicant : Mr M R Deshmukh /f A S Gandhi
Advocate for Respondents : Mr A. B. Gatne

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CORAM : V.K. JADHAV, J.
Dated: June 16, 2017

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PER COURT :-

1. Heard both sides.
2. The learned Counsel for the respondent/insurer submits that though it is a personal injury claim and the applicant-original claimant is agriculturist by occupation, the Tribunal has considered loss of income from agricultural source to the tune of Rs.1,00,000/- per month and further added 30% of the amount towards future prospects. Learned Counsel submits that, entire approach of the Tribunal is erroneous. Learned Counsel, in the alternate, submits that, at the most applicant is entitled to withdraw amounts under the heads of medical expenses, pains and sufferings and loss of amenities of life, etc.

aaa/-

3. Learned Counsel for the applicant/original claimant submits that, even if, minimum amount of loss of supervision charges is considered to the extent of Rs.4000/- per month, coupled with other expenses incurred by the applicant, and the compensation as awarded by the Tribunal under the non-pecuniary heads, applicant may be permitted to withdraw the amount of Rs.10,00,000/-.

4. In view of the above submissions and considering the challenge made to the Judgment and Award passed by the Tribunal and further considering the fact that the Tribunal has considered the loss of income from agricultural source at Rs.1.00 lac per month, even though, corpus of the land remained as it is, the applicant is permitted to withdraw an amount of Rs.10,00,000/- (Rs.Ten Lacs) on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. Civil application accordingly disposed of.

(V.K. JADHAV, J.)

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