

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 CIVIL APPLICATION NO. 12871 OF 2016
IN FAST/21614/2016 WITH CA/10794/2016 IN FAST/21614/2016
WITH CA/10795/2016 IN FAST/21614/2016

NARSING SUDAM THUBE
VERSUS
UNITED INDIA INSURANCE CO. LTD. AND ORS

...
Advocate for Applicant : Dhakane Rajendra B.
Advocate for Respondents : S.g. Chapalgaonkar For R/1

...
CORAM : V.K. JADHAV, J.
DATE : 17-02-2017.

P.C. :

1. Heard both the sides. The learned counsel for the respondent-insurer submits that, the applicant was traveling in a vehicle involved in the accident as a gratuitous passenger. The learned counsel for the applicant-original claimants submits that, the applicant had hired the machine which was required for digging the well and he was transporting the said machine in the truck involved in the accident. The tribunal has therefore held that, the applicant is not a gratuitous passenger and accordingly awarded the compensation. The learned counsel submits that, the applicant is suffering from amputation below the knee and requires the amount for further medical treatment.

2. In view of the above submissions and considering the challenge made to the judgment and award passed by the tribunal, the applicant Narsingh Tubhe is permitted to withdraw an amount of

Rupees Ten Lakhs from the amount deposited before this court on
furnishing undertaking to the satisfaction of Registrar (Judicial).
Civil application is accordingly disposed of.

(V.K. JADHAV)
JUDGE

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