

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.3184 OF 2017

IN

FIRST APPEAL NO.229 OF 2016

(National Insurance Company Limited, Nagpur

vs.

Mr. Ranbhid Maroti Jambhulkar and others)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri R.D. Karode, Advocate for Applicant/Respondent Nos.1 & 2.
Shri R.M. Daruwala, Advocate for the Non-Applicant/Appellant.*

CORAM : KUM. INDIRA JAIN, J.
DATE : 22nd AUGUST, 2017.

Heard learned Counsel for respondent nos.1 & 2 and learned Counsel for appellant. Perused the impugned judgment and order.

Respondent no.1 claimed compensation under Section 166 of the Motor Vehicles Act on account of permanent disablement suffered by him in a vehicular accident. Tribunal awarded compensation of Rs.6,03,400/- inclusive of 'no fault liability' with interest thereon at the rate of 9% per annum from the date of application i.e. 08/04/2011 till its realization. Appellant has deposited 75% of the decretal amount.

Claimant-injured claims withdrawal of the same by way of the instant application. Application is opposed by the appellant. According to the appellant, compensation awarded by Tribunal is on too higher side

and maximum amount of 50% deposited by appellant can be allowed to be withdrawn considering the percentage of disability, occupation of the claimant and the loss suffered by him.

On going through the reasons recorded by Tribunal and upon considering the percentage of disability, occupation of the injured and the loss incurred by him, this Court finds substance in the submission of learned Counsel for appellant.

Hence, respondent no. 1 is permitted to withdraw 50% of the amount deposited by appellant subject to his furnishing usual undertaking within a period of three weeks.

Civil application stands disposed of

JUDGE

**sdw*