

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1163 OF 2018
IN
FIRST APPEAL STAMP NO. 27669 OF 2016

Laxman s/o Baliram Bhaigave ...Applicant

Versus

Shriram General Assurance Co. Ltd.
Through its Branch Manager,
Aurangabad & others ...Respondents

...

Mr. Shinde Ram S., Advocate for applicant.
Mr. S. S. Dargad, Advocate h/f Mr. S. G. Chapalgaonkar,
Advocate for respondent no. 1.

...

[CORAM: SUNIL P. DESHMUKH, J.]

Date: 16th March, 2018

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for applicant/claimant states that claimant has suffered serious injuries in accident which had taken place in the year 2012 and had, thus, claimed compensation for sufferance which has been granted by Motor Accident Claim Tribunal, Latur under judgment and

award dated 18th January, 2016 to the tune of Rs. 11,33,494/- (Rs. Eleven lakh thirty three thousand four hundred ninety four only). The amount of Rs. 8,71,000/- with interest thereon at the rate of 6% p.a. has been deposited. He states that the applicant/claimant is in dire need of money and he had incurred lot of liabilities during this period. The applicant/claimant is facing numerous difficulties and has also to look after the needs of family, medical expenses and many other miscellaneous expenses.

3. Learned counsel for respondent submits that as a matter of fact, the vehicle which had been insured would hardly be blamed for occurrence of accident as the Auto Rikshaw in which applicant/claimant was traveling had rammed into tempo from backside. As such, negligence is hardly attributable to insured vehicle.

4. Although aforesaid submission is advanced on behalf of respondent, yet, there would be no dispute with regard to factual position that the applicant/claimant has suffered injuries in accident, and for which, compensation has been granted by tribunal.

5. Having regard to the facts and circumstances, it would be expedient to allow applicant/claimant to withdraw sum of Rs. 8,00,000/- on furnishing undertaking to the satisfaction of Registrar (Judicial) of this court to the effect that in the event, decision in the appeal being adverse to the interest of the applicant/claimant, amount being withdrawn by him would be paid back / deposited in this court within a period of three months from the date of decision in the appeal.

5 Civil application accordingly disposed of.

[SUNIL P. DESHMUKH, J.]

vdk