

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2950 OF 2018
IN FA/1745/2017

ABDUL MAJID MOHD. YAQIN
VERSUS
NATIONAL INSURANCE CO. LTD, THR ITS MANAGER,
NANDED AND ANR

...
Mr. Quadri Taher Ali, Advocate for applicant
Mr. S.P. Chapalgaonkar, Advocate for respondent no.1
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 06-04-2018

ORDER :

1. Heard learned counsel for the parties.
2. The applicant had suffered disability on account of accident which is stated to have taken place in 2013. Tribunal has granted compensation to the tune of Rs.4,50,000/-. Learned counsel for applicant submits that beyond no-fault liability amount, applicant has received nothing. Entitlement of the applicant is considered by tribunal and has granted the amount.
3. Applicant submits that he is the only earning member of the family and the disablement has affected his earning

capacity. Besides, he had to incur huge expenditure over medical treatment and in the circumstances, he is in dire need of the amount.

4. Learned counsel Mr. Chapalgaonkar appearing for appellant - insurer, however, submits that the accident had occurred in the month of April, 2013, whereas F.I.R. has been lodged in September, 2013. Quality of evidence may not bear that the insurance company is liable to pay the compensation and computation of income also requires to be re-appreciated by this court.

5. However, having regard to that applicant had to bear lot of medical expenses over his treatment and it is submitted on his behalf that his earning capacity has been affected and he has been the only earning member in the family, it would be expedient to allow applicant to withdraw amount of Rs.3,00,000/- along with accrued interest, on furnishing of undertaking by applicant that the amount so withdrawn would be paid back / re-deposited by him in this court within a period of three months from date of decision in the appeal, if the same goes against the applicant. Undertaking to be filed within a period of three weeks from today.

6. Civil application accordingly is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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