IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3082 OF 2018
IN FAST/21264/2017

SHANKAR VISHNU DHOKANE
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO. LTD., THR. ITS LEGAL OFFICER, PUNE AND ANR

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Mr. S.S. Kotkar, Advocate h/f Mr. V.V. Tarde, Advocate for applicant
Mr. S.S. Patil, Advocate for respondent no.1

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CORAM : SUNIL P. DESHMUKH, J.
DATE : 26-03-2018

ORDER :

1. Heard learned counsel for the parties.

2. Applicant had made claim before the Motor Accident Claims Tribunal, Ahmednagar for grievous injuries having been suffered in accident which had taken place on 27-02-2008, affecting him severely and thereafter he could not recover fully. He had been bed-ridden and unable to move. Apart from this, it has affected his service as well as agricultural operations. The medical evidence shows that he has suffered 60% permanent disability.

3. Tribunal had granted his claim to the tune of Rs.23,38,904/- with interest thereon at the rate of 9% per annum from the date of application. Tribunal had further directed from said amount, an amount of Rs.15,00,000/- be invested in the name of applicant for a period of five years in any beneficial scheme of nationalized bank, letting applicant to withdraw quarterly interest thereon.

4. Learned counsel for respondent no. 1, however, resisted the application stating that applicant had subsequently resumed services and had also sought voluntary retirement and is receiving pensionary benefits. According to learned counsel, even quantum of compensation may not be in tune with the evidence on record.

5. Although aforesaid are submissions on behalf of the parties, amount is said to be required for medical expenses as well as other requirements. In the circumstances, it would be expedient to allow applicant to withdraw amount of Rs.8,38,904/- with interest accrued.

6. In the circumstances, applicant is allowed to withdraw aforesaid sum of Rs.8,38,904/- with interest accrued thereon, subject to filing an undertaking that the amount being withdrawn under this order would be deposited in this court within a period of three months from the date of decision in appeal, if the decision goes against him. Undertaking to be filed within three weeks from today.

7. Amount of Rs.15,00,000/- as referred to by the tribunal, be invested in a nationalized bank.

8. Civil application accordingly stands disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/