

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

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994 CIVIL APPLICATION NO. 4134 OF 2018  
IN FAST/40610/2017

USHABAI @ CHAYABAI DHONDIRAM SURYAWANSHI  
VERSUS  
UNITED INDIA INSURANCE CO. LTD., THR ITS ADMINISTRATIVE  
OFFICER, AURANGABAD AND O

...

Mr. A.M. Gholap h/f Mr. Satish S. Manale Advocate for Applicant  
Mr. S.S. Rathi h/f Mr. Anand D. Wange, advocate for respondent No. 1

**CORAM : SUNIL P. DESHMUKH, J.**

**DATED : 23<sup>rd</sup> MARCH, 2018.**

**Order :-**

1. Heard learned counsel for parties.
2. Civil application is moved by the applicant-claimant, who met with an accident and sustained injuries to leg and waist and other vital parts of body were affected. She is suffering 27% functional disability. Before the tribunal, claim to the extent of Rs. 2,94,200/- had been granted. Amount pursuant to award along with interest has been deposited in this court. The applicant submits that she was working as labourer and eking out existence by preparing certain food items. But, her such capacity has been substantially affected and has been affecting her economically also. She is in dire need of money. Accident took place in 2011. The claim has been decided in favour of the

applicant.

3. It appears that learned counsel for respondent- insurer, who has filed appeal, purports to refers to various aspects, yet looking at the circumstances, since 2011 the applicant is stated to have not received any amount, it would be expedient to allow the applicant to withdraw a sum of Rs. 3,00,000/- from the amount deposited in this court on furnishing undertaking that claimant shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to her interest.

4. As such, the application is allowed. Applicant is allowed to withdraw Rs.3,00,000/- in this court along with accrued interest, on condition of furnishing undertaking that claimant shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to her interest.

5. Civil application stands disposed of.

**[ SUNIL P. DESHMUKH ]**  
**JUDGE**

MTK.  
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