

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

CIVIL APPLICATION NO. 4247 OF 2018
IN
FIRST APPEAL NO. 81 OF 2017

Santosh s/o Rajendra Gopale .. Applicant
versus
Reliance General Insurance Co. Ltd.
And others .. Respondents

Mr. Mohanish V. Thorat, Advocate for applicant
Mr. S. S. Patil, Advocate for respondent no. 1

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9th April, 2018

ORDER :

1. Learned counsel for applicant submits that applicant is sole bread earner in the family and has no other source of income. With the sustained injury, it is difficult for him to work as much as he used to before accident. His earning capacity has been drastically lowered and his day to day work has been getting severely affected and in the circumstances, his family is facing a lot of financial difficulties. Further, he had to borrow certain amounts from people.

2. Learned counsel for applicant further points out that as a matter of fact, insurance company of his vehicle has already settled the matter and has borne its responsibility as directed by the tribunal of fifty per cent of compensation amount, however,

insurance company of the offending vehicle is before this court though its fifty per cent of total responsibility is proved before the tribunal. The applicant is in dire need of money and as such seeks withdrawal of Rs.2,00,000/- deposited in this court.

3. Learned counsel for respondent no. 1 – insurer opposes, contending that it cannot be said that there was rash and negligent act by driver of offending vehicle. Evidence would be otherwise and no liability can be fastened on to the insurance – company i.e. respondent no. 1 herein.

4. Though learned counsel for respondent – insurer submits so, as on the date, decision is in favour of the applicant and his need is not disputed in particular.

5. In the circumstances, application is allowed in terms of prayer clause (B). Applicant may withdraw amount as per prayer clause (B) of the application, on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this court.

6. Civil application is accordingly disposed of.

SUNIL P. DESHMUKH,
JUDGE

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