

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

CIVIL APPLICATION NO. 4664 OF 2018
IN
FIRST APPEAL NO. 1229 OF 2015

Ambadas Bhanudas Vairagar .. Applicant

versus

The Manager, The New India
Assurance Company Ltd. And ors. .. Respondents

Mr. Amol S. Gandhi, Advocate for applicant
Mr. M.M. Ambhore, Advocate for respondent no. 1
Mr. N.B. Narwade, Advocate for respondents no. 2 to 4

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th April, 2018

ORDER :

1. Heard learned counsel for parties.
2. Learned counsel for applicant adverts to that although tribunal had found applicant to be entitled to compensation to the tune of Rs.9,00,000/- and odd, since applicant had demanded compensation of Rs.6,00,000/-, grant of compensaion has been reduced to Rs.6,00,000/-. He submits that so far as entitlement is concerned, cross objection has been filed. In the meanwhile, after withdrawing a sum of Rs. 2,00,000/- in 2015 several further developments have taken place. Applicants, apart from being permanently disabled, has to take frequent medical treatment which is expensive and further that his children are taking education and family along with parents are staying with him. He, therefore, requires amount.

3. Learned counsel for appellant – insurance company, however, submits that the applicant had withdrawn a sum of Rs.2,00,000/-. He further submits that requirements as are now being referred to are not supported by any material. In the circumstances, he submits that the request being made may not be indulged into.

4. However, looking at that there is no dispute about applicants having suffered permanent disability and that he has to bear responsibility of the family and further that his children are taking education and some medical expenses are to be borne, it would be expedient that the applicant be allowed to withdraw a further sum of Rs.2,00,000/- with interest accrued thereon as deposited pursuant to the award on the undertaking that in case decision in the first appeal goes adverse to his interest, he would pay back / deposit the amount being withdrawn under this order within a period of three months from the date of decision in the appeal.

5. Civil application is accordingly disposed of .

SUNIL P. DESHMUKH,
JUDGE

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