

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

939 CIVIL APPLICATION NO. 7242 OF 2018
IN FAST/35530/2017

ARUN RADHAKISHAN GULE AND ANR
VERSUS
ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD., AND ORS

...
Advocate for Applicants : Mr. C.R. Deshpande

...

CORAM : K.K. SONAWANE, J.

DATED : 13th JUNE, 2018.

Order :-

1. Heard the learned counsel for applicants/original claimants and learned counsel for respondent Insurance applications.
2. Perused the application, the learned counsel for the respondent Insurance company submits that the appeal came to be filed against the impugned judgment and award passed by the Tribunal on the issue of quantum of compensation. The Tribunal has awarded exorbitant compensation without appreciating the facts and circumstances on record. Hence, he requested not to allow the applicants/claimants for withdrawal of the amount.
3. Admittedly, there was vehicular accident resulting into serious injury to the applicant Arun Ghule. The learned trial court, after appreciating the circumstances on record imposed monetary liability on the insurance company and the owner of the offending vehicle. Pursuant to the award, the appellant insurance company has deposited an amount of Rs. 29,16,102/- in this court.
4. Considering the nature of injuries sustained to applicant No.1, the medical expenses as well as the pains suffered by him due to the injuries, it would be justifiable to allow him to withdraw 50% of the

amount deposited in this court. Definitely, it would subserve the purpose and would not cause any injustice and prejudice to the appellant. Hence, the application stands partly allowed. The applicant No.1 Arun Ghule is hereby permitted to withdraw 50% of the amount deposited in this court, subject to condition that the applicant shall furnish an undertaking to the effect that in case any adverse situation arises after decision of the present appeal, he would refund the entire amount withdrawn on his part, within the stipulated period, as per the directions of this Court. Rest of the 50% amount be kept in FDR in any Nationalized bank for a period of two years or till the decision of the first appeal, whichever is earlier. Civil application is accordingly disposed of.

[K. K. SONAWANE]
JUDGE

grt.