

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

945 CIVIL APPLICATION NO. 7698 OF 2018  
IN FAST/26593/2017

RAMAKANT PRABHAKAR CHIGURE  
VERSUS  
UNITED INDIA INSURANCE CO. LTD., THR BRANCH MANAGER AND  
ORS

...  
Advocate for Applicant : Mr. Pandurang M. Gaikwad  
Advocate for Respondent No. 1 : Mr. S.G. Chapalgaonkar  
Advocate for Respondent No. 2 & 3 : Mr. SV. Gundre (Absent)

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**CORAM : K.K. SONAWANE, J.**

**DATED : 27<sup>th</sup> JUNE, 2018.**

**Order :-**

1. Heard learned counsel for applicant-original claimant and Mr. Chapalgaonkar, learned counsel for respondent No. 1. No one else appeared on behalf of respondents No. 2 and 3.
2. Present application is moved seeking permission for withdrawal of the decretal amount deposited in this Court.
3. Admittedly, the applicant initiated proceeding for compensation under section 166 of the Motor Vehicles Act. The applicant-original claimant sustained injuries in the vehicular accident and he lost 100% earning capacity. The Reference Court has appreciated the entire facts and circumstances and passed the impugned judgment and award which is challenged in present appeal.
4. Mr. Chapalgaonkar, learned counsel for respondent – Insurance Company raised objection and submits that factual aspects are not considered by the Tribunal in proper manner, therefore, he prayed not to allow the applicant to withdraw the deposited amount in this Court.
5. In view of nature of subject-matter, the applicant - original claimant be allowed at least to withdraw Rs.2,10,000/- (Rupees Two

Lakhs Ten Thousand only) for the injuries sustained to him in the vehicular accident, on certain terms and conditions. It would not cause any prejudice or injustice to the respondent - Insurance Company. Hence, application deserves to be partly allowed.

6. The application is partly allowed. The applicant is permitted to withdraw total sum of Rs. 2,10,000/- (Rupees Two Lakhs Ten Thousand only) from the amount deposited in this Court subject to condition the applicant-claimant shall furnish undertaking that applicant would refund the entire amount so withdrawn in case any contingency arises in the appeal. Rest of the balance decretal amount be invested in Fixed Deposit Receipt account in any Nationalized Bank for a period of two years or till disposal of the appeal, whichever is earlier with liberty to renew the same in future, if required.

7. Accordingly, civil application stands disposed of in above terms.

**[ K. K. SONAWANE ]**  
**JUDGE**

MTK.