

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

CIVIL APPLICATION NO. 7736 OF 2018  
IN FAST/42227/2017

VITTHAL NAGNATHRAO DHAGE  
VERSUS  
UNITED INDIA INSURANCE CO. LTD. THR BRANCH MANAGER, LATUR  
AND ORS

...  
Advocate for Applicant : Mr. S. V. Mundhe.  
Advocate for Respondent No.1 : Mr. S. R. Bagal.  
Advocate for Respondent No.3 : Mr. A. S. Shelke.

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

**DATED : 26<sup>th</sup> JUNE, 2018.**

**Order :-**

1. Heard Mr. Mundhe, learned counsel for applicant, Mr. Bagal, learned counsel for respondent No.1 and Mr. Shelke, learned counsel for respondent No.2. No one else appeared on behalf of respondent No.2 owner of the offending vehicle. Perused application and relevant documents placed on record.
2. The present application is moved for withdrawal of decretal amount of compensation deposited on behalf of respondent No.1 Insurance Company before the Motor Accident Claims Tribunal, Udgir in Motor Accident Claim Petition No. 62 of 2013. The learned counsel for respondent No.1 Insurance Company submits that the appellant-Insurance Company has agitated the findings of the learned Tribunal on the ground that the driver of the offending vehicle was not possessing valid driving license at the relevant time as well as quantum of compensation awarded by the learned Tribunal to the injuries sustained to the claimant. Therefore, he requested that the application may not be allowed for withdrawal of the amount.
3. In view of submission on behalf of both side, I find that it would be justifiable to allow the applicant-original claimant to withdraw the

compensation amount which came to be awarded for his injuries sustained due to the vehicular accident on certain terms and conditions. The Tribunal has appreciated the circumstances on record, thereafter, granted the compensation. The grounds raised in the appeal would not affect the rights of the claimant for getting the compensation in this case. However, the objection in regard to the quantum of compensation, the conditions can be imposed on the claimant to protect the interest of the appellant- Insurance Company. In such circumstances, the application deserves to be allowed.

4. Accordingly, the application stands allowed. The applicant-original claimant Vitthal s/o. Nagnathrao Dhage is hereby permitted to withdraw entire decretal amount with interest accrued thereon deposited in the Motor Accident Claims Tribunal, Udgir, District Latur, subject to condition that the applicant-original claimant shall furnish the undertaking to the effect that the applicant-original claimant would refund the amount so withdrawn in case any contingency arises in this matter. Accordingly, the application stands disposed of in above terms.

5. The Registrar of the Motor Accident Claims Tribunal, Udgir, District Latur, do the needful for disbursement of amount in favour of applicant-original claimant on compliance of legal formalities.

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

rrd.