

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

1026 CIVIL APPLICATION NO. 2791 OF 2018
IN FAST/18713/2017

LAXMIKANT BALASAHEB ASHTAPTRE
VERSUS
CHAINSINGH BHIKA SULANE AN ORS

...
Mr. Rudhir Wani h/f Mr. Anil S. Bajaj, Advocate for Applicant
Mr. V.R. Mundada, Advocate for respondent No. 5
...

CORAM : SUNIL P. DESHMUKH, J.

DATED : 23rd MARCH, 2018.

Order :-

1. Heard learned counsel for parties.
2. Learned counsel for applicant submits that applicant is in dire need of money. He is under going lot of stress mentally and otherwise. Due to accident his earning capacity has been permanently affected. Although, it is considered that he suffers 75% disability, however, practically it is almost 100%. Due to lack of earning, his economic condition has worsened. Over and above that, medical expenses incurred over treatment are to be borne and his parents are in requirement of immediate medical treatment, which are quite expensive. Therefore, he urges for withdrawal of entire amount.
2. On the other hand, Mr. Mundada, learned counsel for insurer submits that tribunal has granted compensation, it is on

higher side and evidence may not support the claim so granted. He submits that in the circumstances taking reasonable approach the applicant may be allowed to withdraw only one third of the amount.

3. Looking at that, accident had taken place in year 2006 and since then family has no source of income and the economic condition of the applicant is stated for have worsened. Over and above, it is being submitted money for expensive medical treatment of parents are now in needed.

4. An amount of Rs.31,56,166/- was deposited by appellant-insurer pursuant to order dated 23rd June, 2017. It would thus be expedient to allow the applicant/claimant to withdraw the amount from the amount deposited in this Court with accrued interest on following conditions:

- i) Applicant is allowed to withdraw Rs. 20,00,000/- of the total deposited amount in this court along with accrued interest, on condition of furnishing undertaking that claimant shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to his interest.
- ii) Further Rs. 5,00,000/- of the total amount with

accrued interest is allowed to be withdrawn by the claimant subject to furnishing solvent security to the satisfaction of Registrar (Judicial) of this court.

5. Civil application accordingly stands disposed of.

Sd/-
[SUNIL P. DESHMUKH]
JUDGE

MTK.