

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

904 CIVIL APPLICATION NO.4023 OF 2019
IN FAST/25692/2018

ANIL ULHASRAO CHAVNE
VERSUS
AJAYKUMAR KANHIYALAL PARETA AND ORS

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Advocate for Applicant : Mr.Deshpande Chaitanya C.
Advocate for respondent No. 2 : MR. R. F. Totala
Advocate for Respondent No.3 : Mr.M. S. Sonawane
Advocate for respondent No. 4 : Mr. S.N. Boinwar h/f
Mr.S.N.Pagare

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CORAM : SUNIL K.KOTWAL, J.

DATE : 27th MARCH, 2019

O R D E R :

This application is filed by the claimant for withdrawal of entire compensation amount, with accrued interest, deposited in the Court by the Insurance Company.

2. Learned counsel for claimant submits that the claimant wants to start new business to earn his livelihood, therefore, permission may be granted to withdraw entire compensation amount.

3. Learned counsel for Insurance Company vehemently opposes this application by drawing my attention towards certain irregularities in the judgment passed by the Tribunal. Even learned counsel for claimant has pointed out that the Tribunal has erroneously deducted 1/3rd amount towards personal expenses of the claimant in injury claim.

4. At this stage, I refrain myself from making any observation regarding the merits of the case. However, after considering the judgment and award and the nature of the injuries sustained by the claimant, I feel proper to allow the applicant to withdraw 50% amount out of deposited compensation with proportionate accrued interest thereon, subject to filing of written undertaking in the appeal, within eight weeks from the date of passing of this order, to re-deposit the withdrawn amount as and when directed by this Court. Remaining compensation amount shall be invested in fixed deposit in any

nationalised bank, till final disposal of the appeal.

5. Civil Application is disposed of.

[**SUNIL K.KOTWAL, J.**]

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