

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

**1034 CIVIL APPLICATION NO.8311 OF 2019
IN FA/307/2019**

**BIRBAL SAMILYA JAT
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO. LTD., THR ITS MANAGER,
AURANGABAD AND ANR**

...
Advocate for Applicant : Mr. Karpe Rahul R.
Advocate for Respondent No.1 : Mr. A. G. Choudhari
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 19th JULY 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.37,34,925/- has been deposited. Learned Advocate for present respondent No.1/appellant has strong objection on the ground that without any evidence in respect of income, the learned tribunal has taken the income of applicant at the rate of Rs.25,000/- per month and excessive amount of compensation has been thereby awarded.

2. Taking into consideration the objection, however, at the same time, taking into consideration the fact that the tribunal had also come to the conclusion that the claimant had sustained injuries due to

the negligence of the offending vehicle which was insured with the present appellant, case is made out for partial withdrawal of the amount.

3. Applicant is allowed to withdraw amount of Rs.7,00,000/- subject to giving undertaking that he would make the said amount good, if directed at the time of final disposal of the appeal.

4. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/