

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4410 OF 2018
IN
FIRST APPEAL (ST.) NO. 11904 OF 2017**

Javed Abdul Maniyar	...	Applicant
<u>In the matter between</u>		
The New India Assurance Co. Ltd.	...	Appellant
V/s.		
Javed Abdul Maniyar & Anr.	...	Respondents

- Mr.S.P. Rajepandhare for the Applicant-Org.Respondent No.1.
- Mr.Sudhakar Pandaram i/b. Mr.Milind V. More for the Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 16th JANUARY, 2019.

P.C. :

- 1] Heard learned counsel for the parties.
- 2] This is second application for withdrawal of the amount of compensation filed by the Applicant-Original claimant. As per the earlier order passed by this Court, he was permitted to withdraw the amount of Rs.5,00,000/- with liberty to move for further withdrawal of amount, if he is able to point out necessity.
- 3] Accordingly, it is submitted that the Applicant has incurred 35% permanent disability and therefore, he is unable to earn. His wife now taken the loan of Rs.3,58,000/- from the relatives for

maintenance of the children.

4] Learned counsel for the Appellant-Insurance Company strongly resists this application by contending that on the same averments the earlier withdrawal was sought and he also points out to the medical certificate showing that the Applicant can do the work which he was doing. Therefore, according to him, the Applicant is not entitled to withdraw any further amount.

5] However, considering that the total amount deposited in the Court was Rs.26,99,362/- and only the amount of Rs.5,00,000/- was permitted to withdraw, the Applicant is permitted to withdraw further amount of Rs.5,00,000/-, subject to furnishing of usual undertaking.

6] The Civil Application is disposed off in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]