

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

**CIVIL APPLICATION NO.40 OF 2019  
IN  
FIRST APPEAL (STAMP) NO.33607 OF 2017**

Vasudeo Balbhim Pawar

...Applicant

Versus

ICICI Lombard General Insurance Co.  
Ltd.& Ors.

...Respondents

.....

Ms Pooja Singh with Ms Dipika Prabhala I/b. M/s. Res Juris for the Applicant in CAF/817/2018,caf/818/2018 and for the Applicant in FAST/33607/2017 and for the Respondent in CAF/40/2019.

Mr. Rushikesh K. Kale for the Respondent No.1 and for the Applicant in CAF/40/2019.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 22<sup>nd</sup> FEBRUARY, 2019.**

**P.C.:-**

By this application, the Applicant has sought withdrawal of the compensation deposited by the Respondent No.1 pursuant to the judgment and award dated 2<sup>nd</sup> May, 2017 passed by the learned Member of Motor Accident Claims Tribunal, Solapur in MACP/21/2014.

2. Heard the learned counsel for the Applicant and the Respondent No.1.

3. The Respondent No.1 has challenged the award mainly on

the ground that the learned Judge has erred in granting future prospect @ 15% when the claim was only in respect of the injury. She has further submitted that the permanent disability was assessed at 50% but the Claims Tribunal has assessed loss of income 100% on account of permanent physical disability.

4. Considering the above grounds raised in the appeal, in my considered view it would be just and proper to permit the Applicant to withdraw 40% of the compensations deposited by the Respondent.

5. The statutory amount of Rs.25,000/- be transferred to the M.A.C.T., Solapur. The learned Member, M.A.C.T., Solapur to invest balance amount of compensation including the statutory deposit in any nationalised Bank until further orders.

6. It is made clear that the payment is subject to the final outcome of the appeal. The Applicant shall file an undertaking before the Tribunal that he will abide by the final order that may be passed in the appeal.

7. The Civil Application stands disposed of in above terms.

**(SMT. ANUJA PRABHUDESSAI, J.)**