

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CIVIL APPLICATION NO.5270 OF 2020
IN FAST/39711/2018

SHAIKH BABAR SHAIKH MUNSHI
VERSUS
UNITED INDIA ASSURANCE CO. LTD, THR ITS BRANCH MANAGER,
AURANGABAD AND ANR

Advocate for Applicant : Mr. Mayure Pramod C
AGP for Respondent No.1: Mr. S. S. Rathi
Advocate for Respondent No.2 : Mr. P.S. Mehta

CORAM : V. K. JADHAV, J.
DATED : 4th NOVEMBER, 2020

PER COURT:-

1. Heard both sides.
2. Though the learned counsel for the respondent insurer has strongly resisted the application by pointing out various infirmities, however, it is a personal injury claim and the applicant original claimant has suffered permanent disablement due to the injury sustained in the accident. The applicant-original claimant was travelling as passenger in the Bus and the said Bus was insured with the respondent-insurer. It further appears that though the Tribunal has considered the loss of earning capacity to the extent of 75%, however, considering the occupation of the applicant-claimant as a shop owner, the loss of earning capacity, as considered by the Tribunal, prima facie appears to be exorbitant.

3. Thus, considering the entire aspects of the case, the applicant-claimant is permitted to withdraw the amount of Rs.9,00,000/- (Rupees Nine lacs only) on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court.

4. The civil application is partly allowed and disposed of.

(V. K. JADHAV, J.)

rlj/