

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

**CIVIL APPLICATION NO. 5469 OF 2021
IN
FIRST APPEAL NO. 2138 OF 2020**

Sohel Irfan Biradar	... Applicant
Versus	
Ashok Baba Targude and others	... Respondents

....

Mr. Fayaz K. Patel, Advocate for the applicant
Mr. S. G. Chapalgaonkar, Advocate for respondent No.3

....

CORAM : R. G. AVACHAT, J.

DATED : 09th JULY, 2021

PER COURT :-

1. This is an application for withdrawal of the amount of compensation deposited in this Court.

2. Heard. Perused the impugned award and the related papers.

3. Learned Advocate for the appellant would submit that the applicant injured has been awarded compensation assuming his notional income at Rs.10,000/- per month. The applicant was 11th standard student. On account of future prospects, 50% has been added to his notional income.

4. Learned Member of the Tribunal, relying on the judgment of the Apex Court in *V. Mekala Vs. M. Malathi 2014 AIR SCW 2973 : 2014 (4) T.A.C.5* and *Reshma Kumari Vs. Madan Mohan's Case, 2009 AIR SCW 6999*, has awarded the compensation. In view of the above, I am inclined to allow the applicant to withdraw 70% of the amount out of the deposited amount in this Court. Hence, following order:-

ORDER

- (i) The civil application is partly allowed.
- (ii) The applicant is permitted to withdraw 70% of the deposited amount on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Balance 30% amount be invested in fixed deposit in any nationalised bank, till disposal of the appeal.

[R. G. AVACHAT, J.]