

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**13 CIVIL APPLICATION NO.3049 OF 2021
IN FA/3678/2019**

SANJAY KONDIRAM KALE
VERSUS
GANESH S/O NANA SAKHARE AND OTHERS

...
Advocate for Applicant : Mr. A. A. Mukhedkar h/f Khedkar Amol P.
Advocate for Respondent No.3 : Mr. A. G. Choudhari
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 21-06-2021

PER COURT :

1. Heard both sides.
2. The learned Advocate for respondent No.3 -insurance company submits that the first appeal has been filed challenging the quantum on the point that in fact there was no functional disability occurred to the claimant due to the accident and he has continued to work as Mason, yet exorbitant amount has been awarded and, therefore, he has objection for withdrawal of the amount.
3. At this stage, a competent Court has come to the conclusion that there is financial loss to the claimant. Under such circumstance, there is no hurdle for the partial withdrawal of the amount. Amount that has been deposited is to the tune of Rs.6,44,922/- apart from the statutory

amount and, therefore, the applicant is allowed to withdraw amount of Rs.4,00,000/- subject to giving undertaking within a period of eight weeks that he would make the said amount good, if directed at the time of final disposal of the appeal.

4. In view of above, application stands disposed.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.