

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3836 OF 2021 IN
FIRST APPEAL (ST.) NO.41681 OF 2017

Ratilal Tumba Shevale

... APPLICANT

VERSUS

The Oriental Insurance Co. Ltd.
and another

... RESPONDENTS

.....
Shri P.C. Mayure, Advocate for applicant
Shri A.G. Kanade, Advocate for respondent No.1
.....

CORAM : R. G. AVACHAT, J.

DATE : 11th JUNE, 2021

PER COURT :

The applicant hereby seeks withdrawal of the amount of compensation deposited in this Court by the respondent No.1 – Insurance Company pursuant to the order dated 4/2/2021.

2. Heard Mr. Mayure, learned counsel for the applicant and Mr. Kanade, learned counsel for respondent No.1. Perused the application and the impugned award. The applicant suffered permanent disability in the motor vehicle

accident. Involvement of the tractor with trolley attached thereto is undisputed. The applicant was in the trolley. The trolley had no insurance cover. The tractor had. The learned Presiding Officer of the Tribunal, after considering the citations relied upon, held the tractor owner to be liable to pay the compensation. The insurer has been directed to pay at first instance and then recover the amount from the tractor owner. The amount of compensation is Rs.4,53,000/- with 6% interest thereon. The disability certificate indicates leg of the applicant has been amputated above knee. Considering the facts and circumstances of the case, it would be desirable to allow the application partly in terms of the following order :-

ORDER

The Civil Application is partly allowed. The applicant is permitted to withdraw 50% of the amount of award which is deposited before the Tribunal on furnishing undertaking.

**(R. G. AVACHAT)
JUDGE**

fmp/-