

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

**17 CIVIL APPLICATION NO. 126 OF 2021
IN FAST/8462/2020**

**RAMESH BAJIRAO CHEMTE
VS
HDFC GENERAL INSURANCE CO. LTD. THR ITS MANAGER,
SAICON, SAVEDI RD, AHMEDNAGAR AND ANR**

Mr. Sachin S. Kotkar, Advocate for the applicant
Mr. Deshmukh, Advocate for respondent No.1

CORAM : N. J. JAMADAR, J.

DATE : 01-03-2021

P. C.

. This application is preferred by the applicant/original respondent No.1 for withdrawal of amount of Rs. 22,71,974/- deposited by the appellant-insurer in pursuance of the award passed by the learned Member of the MACT, Ahmednagar dated 31-08-2019.

2. The applicant averred that the permanent disability which the applicant suffered in the accident requires constant medical assistance. The applicant has incurred huge expenses towards medication. The applicant has also lost source of income.

3. Heard learned counsel for the applicant and learned counsel for the respondent No.1.

4. Learned counsel for the respondent No.1 opposed the prayer of withdrawal on the ground that the very involvement of the vehicle is in serious dispute. Moreover, the issue of quantum of the compensation also warrants adjudication in appeal as the aspects of disability and the reimbursement of the medical expenses have not been properly evaluated by the learned Member of the tribunal.

5. The grounds can be properly appreciated at the final hearing of the appeal. The applicant finds himself in financial constraints on account of injury sustained in the accident and loss of source of income. It would, therefore, be in the fitness of things to allow the applicant to withdraw 60% of the amount deposited by the appellant-insurer. Hence, the following order.

ORDER

- i. The applications stands partly allowed.
- ii. The applicant is entitled to withdraw 60% of the amount deposited by the appellant-insurer alongwith interest accrued thereon on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial).

[N. J. JAMADAR, J.]