

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

**CIVIL APPLICATION NO. 6593 OF 2021
IN
FIRST APPEAL NO. 672 OF 2021**

Dipak Vishwanath Birhade ... Applicant
Versus
National Insurance Company Ltd. & another ... Respondents
....
Mr. Umakant U. Wagh, Advocate for the applicant
Mr. Ajit Kadethankar, Advocate for respondent No.1
....

CORAM : R. G. AVACHAT, J.

DATED : 23rd JULY, 2021

PER COURT :-

. Heard.

2. Learned Advocate for the Insurance Company submits that the applicant has suffered only 15% of disability. The Tribunal has, however, awarded compensation considering to be a case of total loss of earning capacity.

3. According to the learned Advocate for the applicant, the applicant was an Electrician by profession and now he could not do his job.

4. Considering the rival submissions, for the present, the applicant is permitted to withdraw 50% of the deposited amount on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount be fixed in any nationalised bank, pending the appeal.

5. If the appeal could not be heard within a period of twelve months hereinafter, the applicant is at liberty to move application for further withdrawal.

6. The civil application stands disposed of accordingly.

[R. G. AVACHAT, J.]

SMS