

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO.7834 OF 2020  
IN FAST/24705/2019

PRABHAKAR KARBHARI MADNURE

VERSUS

UNITED INDIA INSURANCE CO. LTD., AND OTHERS

...

Mr. V.M. Humbe, Advocate for the applicant

Mr. S.R. Bodade, Advocate for the respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15<sup>th</sup> JUNE, 2021.

**PER COURT :**

1 Present application has been filed for withdrawal of the amount.  
Amount of Rs.12,77,242/- has been deposited by the present respondent  
No.1 in this Court.

2 Heard both sides.

3 Learned Advocate Mr. S.R. Bodade appearing for the insurance  
company has strong objection for the withdrawal of the amount. According  
to him, the original petitioner had sustained only 18% of the injury, which  
appears to be not even permanent and even if we calculate the loss, taking

into consideration 18% disability, it will not be more than Rs.1,90,000/-. Therefore, he prayed that only that much withdrawal may be permitted.

4           It is to be noted that at this stage the competent Court had come to conclusion that though the permanent disability is 18%, yet, it has caused loss to the petitioner much more than that and the calculation has been done stating that there is entire loss of income. Therefore, taking into consideration this aspect, it would be in the interest of the parties, at this stage, to allow the applicant to withdraw amount of Rs.6,50,000/-.

5           As regards this amount is concerned also the applicant should file undertaking within a period of 8 weeks that he would make the said amount good, if he is directed so, at the time of final disposal.

6           Application stands disposed of accordingly.

**( Smt. Vibha Kankanwadi, J. )**

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