

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

**CIVIL APPLICATION NO.9080 OF 2021
IN
FIRST APPEAL NO.516 OF 2019**

Ananta Raju Shinde	..Applicant
Vs.	
ICICI Lombard General Insurance Co. Ltd., Through Legal Manager, Aurangabad and anr.	..Respondents

Mr. V.B.Dhage, Advocate for applicant
Mr. A.G.Choudhari, Advocate for respondent no.1
Mr. D.D.Patil Sarwade, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : OCTOBER 22, 2021**

ORDER :-

Heard.

2. This is an application for withdrawal of amount of compensation deposited with this Court. The amount of little over Rs.Six Lakhs was awarded as compensation on account of injuries and permanent disability suffered in a vehicular accident. A sum of Rs.Five Lakhs has already been withdrawn.

3. Learned counsel for the applicant submitted that the applicant has been confined to bed as a result of the disability incurred. According to him, it is a case of not short of a living dead.

4. The appeal has been preferred by the insurance company. When inquired with the learned counsel for the applicant, as to whether an appeal or cross-objection has been preferred for enhancement of compensation, he submitted that it is his *pro bono* brief. The applicant is in sheer need of money for medical treatment and for survival. The applicant has no funds to pay the court fee of appeal or cross objection.

5. Learned counsel for the respondent/insurance company objected to permit withdrawal of the amount.

6. In the fitness of things, the applicant is permitted to withdraw Rs.1,00,000/- (Rs.One Lakh) for his medical needs. Learned Registrar (Judicial) of this Court is requested to further pay the applicant Rs.20,000/- (Rupees Twenty Thousand) from and out of the amount in deposit and ensure that the said amount would be utilised for payment of court fee of appeal or cross-objection to be filed for enhancement of compensation.

7. Learned counsel for the respondent/insurance company shall not feel it otherwise, since, merely asking the applicant to ask for enhancement of compensation, should not be taken the Court to have made up its mind to grant enhancement.

8. Needless to mention that the claim for enhancement, if any, would be heard on merit of the matter.
9. The application stands disposed of accordingly.

[R.G. AVACHAT, J.]

KBP