

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

22 CIVIL APPLICATION NO.5846 OF 2022
IN FA/697/2021

RAJESH SHRICHAND KUKREJA

VERSUS

THE NEW INDIA ASSURANCE CO. LTD.,
THR ITS IN-CHARGE AURANGABAD AND ORS

...

Advocate for Applicants : Mr P.S. Dighe
Advocate for Respondent No. 1 : Mr S.R. Bobade

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 18th APRIL, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the claimant/original claimant.
2. Heard Mr P.S. Dighe, learned counsel for the applicant/claimant and Mr S.R. Bodade, learned counsel for respondent No.1/insurance company.
3. Perused the impugned Judgment and award passed in MACP No. 174/2016 by the Member, MACT, Shrirampur. It is injury claim and the Tribunal was pleased to award compensation of Rs. 3,16,600/- with interest @ 8% per annum. That Judgment and award passed by the Tribunal is challenged before this Court by way of first appeal and it is under scrutiny. At this stage, it may not be appropriate to touch merits of the appeal. That exercise would be made at the time of final hearing.
4. Having regard to the nature of injury claim and considering the grounds raised in the appeal, it would be appropriate to allow the applicant to

withdraw 50% amount of compensation with interest which would meet the ends of justice.

ORDER

- (i) The application is hereby allowed.
- (ii) The applicant is permitted to withdraw 50% amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (iii) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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