

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

933 CIVIL APPLICATION NO.7129 OF 2022
IN FA/1670/2017

SURENDRA BABULAL JAIN
VERSUS
THE NEW INDIA INSURANCE CO. LTD. THE MANAGER, JALGAONAND
ANOTHER

...
Advocate for Applicant : Mr. Madhav M. Bhokarikar.
Advocate for Respondent No.1 : Mr. M. M. Ambhore.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 05th May, 2022.

P.C.:

. Heard Mr. Bhokarikar, learned counsel for applicant and Mr.Ambhore, learned counsel for respondent No.1/insurance company.

2 It is revealed during course of argument that First Appeal No.1670 of 2017 came to be disposed of on 9th October, 2018 and compensation amount came to be re-assessed under different heads. As such, the claimant was required to deposit deficit Court-fees.

3 Mr. Ambhore, learned counsel submits that the insurance company has deposited entire decretal amount in the MACT, Jalgaon. Mr.Bhokarikar, learned counsel for applicant/claimant submits that the claimant has deposited deficit Court-fee in this Court. He submits that the Tribunal may not allow the claimant to withdraw compensation

unless there are certain directions from this Court. Since the appeal has been decided, there is no hurdle before the Tribunal to allow the applicant/claimant to withdraw compensation amount in terms of the order passed by this Court. As such, the applicant/claimant may make necessary application before the MACT, Jalgaon.

4 Upon receiving such application from the applicant/claimant, the MACT, Jalgaon may decide the same on its own merits in view of the judgment and order passed by this Court in First Appeal No.1670 of 2017 after giving an opportunity of being heard to both the sides.

5 Civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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