

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

**30 CIVIL APPLICATION NO.11141 OF 2022
IN FA/334/2022**

**MAHAVEER PRASAD S/O SHOYRAM @ SHIVRAM CHAUDHARI
THR NEX FRIEND HIS BROTHER
VERSUS
THE MANAGER CHOLAMANDALAM MS GENERAL INSURANCE
COMPANY LIMITED AND ORS**

Mr. P. P. Patil, Advocate h/f Mr. Azad Haripal
Bhunnilal, Advocate for the applicants
Mr. A. G. Choudhari, Advocate for respondent
No.1

CORAM : S. G. DIGE, J.

DATE : 01st August, 2022

P. C.

1. Heard the learned counsel for the applicant and the learned counsel for the respondent No.1.

2. The learned counsel for the applicant submits that the respondent No.1 has challenged the judgment and award dated 29-09-2021 passed by the Member of MACT, Aurangabad in MACP No. 175/2019 and has deposited entire award amount

before this court.

3. In the said accident, the applicant has suffered 55% disability and has lost his both the legs bones and left knee. He has suffered grievous injuries and fractures in the said accident. The Doctor has advised him to take complete bed rest. The applicant is bed-ridden and under the supervision of doctors. Since, the day of accident, life of the applicant has become full of sufferings. The applicant is still undergoing treatment and medication and is required to get regular checkups. Due to result of permanent disability sustained, the applicant cannot do the work of fitting Mistry of Tiles and Marbles and as such is deprived of income for his survival. The applicant is in dire need of money for the medical treatment as well as for day to day necessary expenses. Hence, requested to allow

the application.

4. The learned counsel for the respondent No.1 submits that the learned tribunal has awarded compensation on higher side. The monthly income of the applicant is considered as Rs.15,000/- is exorbitant. On this ground and other grounds the respondent No.1 has challenged the judgment and award of the learned tribunal. If the respondents succeeds in the appeal, it would be difficult for the respondents to recover the amount from the applicant. Hence, requested to dismiss the application.

5. I have heard both the learned counsels for the parties.

6. The tribunal has awarded more than Rs. 31,00,000/- as compensation to the applicant.

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As per the applicant's contention he is bed-ridden since the accident and he requires medical treatment. He cannot do the work due to his physical condition. Considering these facts, I pass the following order:-

ORDER

a] The applicant is permitted to withdraw 50% amount alongwith accrued interest thereon out of the deposited amount by the respondents on furnishing underretaking.

b] The application is disposed of.

[S. G. DIGE, J.]

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