

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

947 CIVIL APPLICATION NO.12665 OF 2022
IN FIRST APPEAL NO.581 OF 2022

ANWAR NABAB @ NABABBHAI SHAIKH
VERSUS
THE BRANCH MANAGER, NEW INDIA ASSURANCE CO.
LTD., THROUGH SENIOR DIV. MANAGER, AURANGABAD
& OTHERS

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Advocate for the applicant : Mr.V.B.Anjanwatikar
Advocate for Respondent no.1 : Mr.M.R.Deshmukh

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CORAM : S.G.DIGE, J.
DATE : 07.09.2022

P.C. :

1] Heard the learned counsel for the applicant and the learned counsel for respondent no.1.

2] The learned counsel for the applicant submits that in the alleged accident the applicant got injured and he suffered 31% disability. The right leg of the applicant is shortened by 3 c.m. Due to the said disability, the applicant is unable to do any work. He has got 100% functional disability. He is suffering from financial crisis. The amount is needed for daily expenses of the applicant, hence, requested to allow the application.

3] The learned counsel for respondent no.1 submits that the applicant was the truck driver and the Tribunal has awarded compensation more than Rs.21 lacs for 31% disability of the applicant. Apparently, it is exorbitant compensation. Hence, requested to dismiss the application.

4] I have heard both learned counsel. The disability of the applicant is 31%. His right leg is shortened. He is unable to do any work. He requires the amount for his daily expenses, hence, I pass the following order :-

ORDER

i] The application is allowed.

ii] The applicant is permitted to withdraw 30% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.

iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**

DDC