

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

**940 CIVIL APPLICATION NO.16231 OF 2022
IN FA/1277/2022**

**MALLINATH SANMUKH SWAMI
VERSUS
THE BRANCH MANAGER, RELIANCE GENERAL INSURANCE
COMPANY 2 OTHERS**

...
Mr. Apparao Yenegure, Advocate for the applicant.
Mr. A.S. Usmanpurkar, Advocate for respondent No.1.
...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20.12.2022.

ORDER:-

1. Heard rival submissions. The applicant is seeking permission for withdrawal of entire amount of compensation which has been deposited by the appellant Insurance Company. The learned Counsel for the Insurance Company strongly opposed the application on the ground that the learned Tribunal has wrongly determined the amount of compensation as if it is deciding the death claim by ignoring the fact that this is only an injury claim. He further submits that though the age of applicant was of 40 years, wrong multiplier of "17" was chosen. Further, the concept of future prospect is also applied in the injury claim considering the 100% functional disability of the applicant.

2. Admittedly, while assessing the compensation, the learned Tribunal has decided the amount of compensation as per the observation in the case of *National Insurance Co. Ltd. vs Pranay Sethi, (2017) 16 SCC 680*. While in assessing the compensation amount in injury claim, normally the principles laid down in the case of *Raj Kumar vs Ajay Kumar and another* reported in *2011 (1) SCC 343* are to be considered. In view of the same, following order is passed.

ORDER

- (i) The applicant is permitted to withdraw only 50% of the deposited amount alongwith the proportionate interest accrued thereon till date at this juncture, by furnishing usual undertaking before the Registrar (Judicial) of this Court.
- (ii) The remaining amount be invested in F.D.R. in any Nationalized Bank on yearly renewal basis till final disposal of this appeal.
- (iii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)