

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.17931 OF 2022
IN
FIRST APPEAL NO.1006 OF 2022**

Atul Dattatray Wadhane

...Applicant

Versus

United India Insurance Co. Ltd.
and Anr.

...Respondents

...

Ms Sarika Kamble i/b. Ms Varsha Chavan for the Appellant in FA/1006/2022 and for the Respondents in FA/1007/2022.

Ms Rina Kundu for the Appellant in FA/1007/2022, for the Applicant in IA/17931/2022 and for the Respondent No.1 in FA/1006/2022

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 8th SEPTEMBER, 2022.

P.C.:-

1. The Applicant has sought withdrawal of compensation deposited by the Appellant-Insurance Company. By the impugned Judgment and Award, the Claims Tribunal awarded total compensation of Rs.1,11,65,000/- with interest @ 7.5% p.a. from the date of the application till final realization.

2. The records reveal that the Applicant has suffered head and cervical cord injuries resulting in 60% to 70% permanent disablement, which has rendered him bed ridden.

3. Considering the nature of the injury sustained by the Applicant, the reasons stated in the application and the grounds raised in the appeal memo, the Applicant is permitted to withdraw 50% of the compensation with proportionate interest accrued thereon subject to an undertaking that the Applicant shall refund the said amount with interest, if the Appellant succeeds in the appeal.
4. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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