

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3339 OF 2023
IN FIRST APPEAL NO. 126 OF 2018

POONAM RAJABHAU UMAP
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THR ITS
DIVISIONAL MANAGER AURANGABAD AND OTHERS

...
Mr. A.S. Gadhi h/f. Mr. P.S. Mehta – Advocate for Applicant
Mr. D.P. Deshpande – Advocate for Respondent No.1
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 14th March, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire remaining amount of compensation. Earlier this court had granted withdrawal of 60% i.e. around Rs. 14 lacs out of the entire deposited compensation.
3. The learned counsel for the respondent – Insurance Company strongly opposed the application on the ground that, earlier there was withdrawal of 60% amount which is

sufficient. However, in the alternative he submitted that the estimated amount of Rs. 5 lacs for the surgery of applicant as indicated by the concerned doctor be only permitted to be withdrawn.

4. Admittedly 60% of the deposited amount had already been withdrawn by the applicant however, considering the urgent need of surgery the applicant is permitted to withdraw amount of Rs. 5 lacs from the balance amount of compensation on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**

Pooja K.