

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5640 OF 2023
IN FIRST APPEAL NO. 3551 OF 2018

NABI BASHIRSAB SHAIKH THR POWER OF ATTORNEY
HOLDER BASHIRSAB NABISAB SHAIKH
VERSUS
TATA AIG GENERAL INSURANCE COMPANY LTD THR ITS
MANAGER AND OTHERS

...
Mr. S.S. Panale – Advocate for Applicant
Mr. S.S. Patil – Advocate for Respondent No.1
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th April, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the Insurance Company alongwith the interest accrued thereon.
3. The learned counsel for the respondent – Insurance Company strongly opposed the application on the ground that, the learned Tribunal has granted exorbitant amount of compensation and the applicant has already withdrawn

amount of Rs.10,00,000/- (rupees ten lacs only) vide order dated 26th February, 2019.

4. However, it appears that the applicant is almost 100% disabled and at present bedridden. Moreover the learned Tribunal has not granted any compensation on account of future loss of income. In view of the same and considering the compensation granted by the learned Tribunal, the applicant is permitted to withdraw further amount of Rs.15,00,000/- (rupees fifteen lacs only) from the balance amount of compensation on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. The remaining amount be kept in F.D.R. 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