

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3507 OF 2021
IN FIRST APPEAL NO.2387 OF 2020

ARIF MOHMED SHAIKH
VERSUS
M/S SHRIRAM GENERAL INSURANCE COMPANY LTD AND
OTHERS

...

Mr. A.S. Gandhi – Advocate for Applicant
Mr. V.N. Upadhye – Advocate for Respondents No.1

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 20th March, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant – claimant is seeking withdrawal of the entire amount of compensation, which has been deposited by the insurance company alongwith interest accrued thereon.
3. The learned counsel for respondent no.1 - insurance company opposed the application on the ground that, the involvement alleged offending vehicle is doubtful since it was traced out after about a month. Moreover, the learned Tribunal has also granted exorbitant amount of compensation by considering the notional income of applicant to the tune of

Rs.8,000/- per month.

4. However, though the F.I.R. was belatedly registered but the applicant was admitted to hospital for about ten days after the accident. Moreover, the appellant – insurance company also did not examine either driver or owner of the offending vehicle to verify its non-involvement.

5. In view of the same and considering the compensation granted by the learned Tribunal, the applicant is permitted to withdraw 50% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

7. The Civil Application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE