

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

14 CIVIL APPLICATION NO.6902 OF 2023
IN FA/1225/2022

ZABIR KHAN S/O MAHEBOOB AHMED KHAN
VERSUS
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS
MANAGER/AUTHORISED SIGNATORY, AURANGABAD AND ANR

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Advocate for Applicant : Mr. A. A. Mukhedkar
Advocate for Respondent No.1 : Mr. S. S. Rathi

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 12/06/2023.**

P. C. :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of remaining amount of compensation on account of his proposed surgery for removing the iron rod placed in his leg. The estimated cost of this surgery is around Rs.2 lakhs as per the certificate issued by the concerned hospital.
3. The learned counsel for the insurance company opposed the application on the ground that this court has already permitted the applicant to withdraw 50% of the deposited amount. It appears that the insurance company has challenged the impugned award on the ground of non-involvement of the offending vehicle and on the ground of quantum.
4. However, the applicant just after the accident, was admitted in the hospital for about 18 days. The delay in lodging FIR is of 12 days thereafter. The Hon'ble Supreme Court has already observed in many judgments that such delay is bound to happen when

injured victim gets admitted in the hospital after the accident. Therefore, considering the urgent need of the applicant for the aforesaid surgery, he is permitted to withdraw additional amount of Rs.2,00,000/- (without interest) out of the remaining amount 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, J.)