

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

**CIVIL APPLICATION NO.5193 OF 2023 IN
FIRST APPEAL ST. NO. 19204 OF 2022**

Dnyaneshwar @ Balu Bhimrao Hiwrale Applicant

Versus

The New India Assurance Co. Ltd.
And another Respondents

Mr. R. V. Gore, advocate for the Applicant
Mr. M. R. Deshmukh, advocate for Respondent No.1

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th April, 2023.

PC :

Heard rival submissions.

The applicant is seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-Insurance Company.

The learned Counsel for the Insurance Company strongly opposed the application on the ground that the learned Tribunal has wrongly considered notional income of the injured at higher side.

In view of the same, the applicant, at this stage, is permitted to withdraw 50% of the deposited amount along

with proportionate interest accrued thereon on furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount be invested in FDR, in any Nationalised Bank, on yearly renewal basis, till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb