

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

924 CIVIL APPLICATION NO.8265 OF 2023
IN FAST/22146/2022

BAPURAO DATTARAYA BANDGAR
VERSUS
THE ORIENTAL INSURANCE CO.LTD AND ORS

...
Advocate for Applicants : Mr. H. B. Nandagavale
AAAdvocate for Respondents : Mr. M.k. Goyanka

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: July 07, 2023

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PER COURT :-

1. By this application, the applicant/original claimant is seeking permission to withdraw the amount deposited by the appellant/insurer.

2. The appellant/insurer has challenged the award on the ground that the claimant himself was responsible for the accident and he was driving his car in rash and negligent manner. Even, during the course of the investigation, he found to be at fault and, therefore, charge-sheet was filed against him. Ignoring this aspect, award is passed.

3. Mr. Goyanka, learned advocate appearing for the respondents would further submit that the applicant has not suffered loss of income as he continued to be in the service. Therefore, the compensation awarded by the Tribunal is excessive.

4. Learned advocate appearing for the applicant/claimant would submit that the Tribunal has awarded compensation only towards permanent disablement under the heads of loss of amenities. No

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compensation is granted towards future loss of earnings. He would submit that the claimant was injured and suffered permanent disablement.

5. Considering the submissions advanced, it would be appropriate at this stage to permit the applicant to withdraw Rs.2 Lakh alongwith accrued interest thereon from the amount deposited in this Court subject to furnishing of usual undertaking before the Registrar (Judicial) of this Court.

6. Civil application stands disposed off.

(S. G. CHAPALGAONKAR, J.)

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