

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

**CIVIL APPLICATION NO. 5240 OF 2023 IN
FIRST APPEAL NO. 2134 OF 2022**

Madhav Vinayakrao Patil alias
Suryawanshi

Applicant

Versus

The New India Assurance Co. Ltd.

Respondent

Mr. R. S. Patil, advocate for the Applicant

Mr. S. V. Kulkarni, 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.

It appears that the appellant-Insurance Company has deposited 60% of the total compensation amount granted by the learned Tribunal, as per the direction of this Court.

The learned Counsel for the appellant-Insurance Company has opposed the application on the ground that the applicant, even after the accident, was in Government service

and he took voluntary retirement from service in the year 2021 i.e. recently and almost after four years of the accident.

It is not disputed that the applicant is getting pension. However, considering the percentage of disability, which is around 90%, the applicant herein is permitted to withdraw 75% of the deposited amount along with the proportionate interest accrued thereon till date. Further, considering the disability sustained by the applicant, the aforesaid amount be transmitted to the concerned MACT, Ahmedpur, District Latur in MACP Darkhast No.05 of 2022, for disbursement and the applicant shall submit usual undertaking to the satisfaction of said MACT at the time of withdrawal of the said amount. The remaining amount be invested in FDR in any Nationalised Bank on yearly renewal basis till disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 12160 OF 2022 IN
FIRST APPEAL NO. 2134 OF 2022**

The New India Assurance Co.Ltd.

Applicant

Versus

Madhav Vinayakrao Patil Suryawanshi
and others

Respondents

Mr. S. V. Kulkarni, advocate for the applicant.
Mr. R. S. Patil, advocate for the Respondents.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th April, 2023.

PC :

Since the appellant-Insurance Company has deposited 60% amount of compensation along with interest, Civil Application is made absolute in terms of prayer clause {B}.

Civil Application is disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb