

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

933 CIVIL APPLICATION NO.13683 OF 2019
IN FA/2971/2019 WITH CA/10007/2019 IN FA/2971/2019

MADHUKAR BHANUDASRAO GARAD

VERSUS

TATA AIG GENERAL INSURANCE CO. LTD., THR ITS GENERAL
MANAGER AND ANR

...

Advocate for Applicant : Mr. Vikas G. Kodale h/f Mr. V. D. Gunale

Advocate for Respondent No.1 : Mr. R. H. Dahat

....

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 23/03/2023.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.13683 OF 2019 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant-insurance company alongwith the interest accrued thereon with learned Commissioner, i.e. Labour Court, Latur.
3. The learned counsel for the insurance company opposed the application on the ground that the learned Commissioner has granted excessive amount of compensation by ignoring the fact that the applicant even after the accident, had in act renewed his driving license. Thus, he claims that there was no 100% permanent disability sustained by the applicant as held by the learned Commissioner.
4. Considering the grounds raised by the appellant – insurance company for challenging the impugned award, the applicant, at

present, is only 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 learned Commissioner.

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.

B) ORDER IN CIVIL APPLICATION NO.10007 OF 2019 :

Since the appellant – insurance company has deposited the entire amount of compensation with the learned Commissioner, the same is made absolute, in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)