

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

933 CIVIL APPLICATION NO.2053 OF 2023
IN FA/2832/2021 WITH CA/12680/2021 IN FA/2832/2021

MADHAV SHRIRANG PATULE
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AHMEDNAGAR AND ORS

...
Advocate for Applicant : Mr. H. U. Dhage
Advocate for Respondent No.1 : Mr. S. S. Dargad h/f
Mr. M. R. Deshmukh
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 17/02/2023.**

P. C. :

A) IN CIVIL APPLICATION NO.2053 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire balance amount of compensation, which has been deposited by the insurance company alongwith the interest accrued thereon.
3. The learned counsel for the insurance company strongly opposed the application on the ground that this court has already permitted the applicant to withdraw 50% amount of the deposited amount. He further pointed out that the learned Tribunal wrongly came to the conclusion that the applicant lost 100% earning capacity.
4. Admittedly, the applicant has withdrawn 50% of the deposited amount as per order dated 08/04/2022. However, the medical certificate issued by Dr. Arora indicates that the applicant will

require revision of total hip replacement after two months and the estimated cost for the same is around Rs.5 lakh. In view of the same, applicant is permitted to withdraw an amount of Rs.5,00,000/- from the balance amount without any interest by furnishing 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.

B) IN CIVIL APPLICATION NO.12680 OF 2021 :

Since the appellant / insurance company has deposited entire amount of compensation alongwith interest, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)