



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

CIVIL APPLICATION NO. 2549 OF 2024 IN FA/4472/2023

VYANKAT S/O. DEVIDAS LOHAR
VERSUS
RELIANCE GENERAL INSURANCE CO. LTD. AND ANOTHER

...
Advocate for Applicant : Mr. R. P. Bhumkar
Advocate for Respondent No.1/insurer : Mr. S. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 15-03-2024

PER COURT :-

1. Not on board. Taken on board.
2. Heard the learned counsel for the applicant and the learned counsel for respondent No.1/insurer.
3. Both legs of the claimant have been amputated due to the injuries suffered in a vehicular accident. The applicant is praying to allow him to withdraw the entire amount of the compensation deposited with the Court.
4. Learned counsel for the appellant opposed the application for withdrawal of entire amount as quantum has not been correctly assessed and negligence has been ignored. He also put his strong objection to pay or allow the applicant to withdraw the entire amount on the ground that if the impugned judgment and award is reversed, the applicant may not be able to repay the amount.

5. Perused the impugned judgment and award.

6. It is not disputed that both legs of the applicant were amputated due to the injuries suffered in a vehicular accident. He appears to have 100% permanent disablement and completely became dependent on others. Therefore, the application deserves to be allowed. Hence, the following order is passed;

ORDER

- i) The application is allowed.
- ii) The applicant is permitted to withdraw the entire amount deposited with this Court by the appellant, with accrued interest thereon, on the condition that he would deposit money, if the judgment and award is reversed.
 - a) Out of total compensation amount deposited with this Court, 70% amount should be invested in a fixed deposit for five years in a Nationalized Bank of his choice, with a right to receive accrued interest at quarterly rests; for medication, food, clothes and shelter; and balance 30% amount be released to him.
- iv) List the appeal on 15.04.2024.

(S. G. MEHARE)
JUDGE

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