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

**7 CIVIL APPLICATION NO. 5182 OF 2024
IN FAST/37833/2023**

KRISHNA VITTHALRAO TAKSAL

....Applicant

VERSUS

NANDKUMAR TABAJI DERE AND ANR

.....Respondent

Mr. S. A. Ambad, Advocate for the applicant

Mr. A. B. Kadethankar, Advocate for respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 14th JUNE, 2024

P. C.

1. Heard the learned advocates for the parties.
2. The application is filed seeking withdrawal of the amount deposited by the appellant insurance company in this court pursuant to the judgment and order passed by the learned Member, MACT, Ambajogai dated 27-07-2023 in MACP No. 84/2016. The applicant had filed a petition as he had received injury in the accident. In the said accident he suffered 60%

permanent disability. Learned tribunal passed the order directing to pay the amount of Rs.11,79,000/- now. Now the insurance company has deposited an amount of Rs.18,13,939,- in this court alongwith interest.

3. Learned advocate for the respondent opposed the application stating that there are goods grounds involved in the appeal. He submits that in fact driver of the vehicle was not having license to drive the vehicle and license produced on record was forged. He submits that though the learned tribunal accepted this fact, still has awarded the compensation stating that insurance company failed to prove that the owner had given truck in spite of having knowledge that license was forged. He, thus, submits that there are good chances in the appeal.

4. Considering the fact that claimant was hardly of 24 years of age and 60% disabled and there is no other source, this court is inclined to allow the application. Hence, the following order:-

ORDER

- a] The application is allowed.
- b] The applicant is permitted to withdraw 50% of the amount deposited with accrued interest on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this court. Further 25% of the amount with accrued interest shall be withdrawn by furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. Remaining 25% of the amount deposited shall be kept in fixed deposit in any nationalized bank to be renewed periodically till the decision of the appeal.
- c] Application stands disposed off.

[KISHORE C. SANT, J.]