



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

30 CIVIL APPLICATION NO. 5469 OF 2024
IN FA/468/2024

SUNIL PANDURANG SHINDE
VERSUS
CHOLAMANDALAM MS GEN INSURNACE CO LTD AND ORS

...
Advocate for Applicant : Mr. Pawar Ajay D.
Advocate for Respondent No.1 : Mr. A.G. Choudhari
...

CORAM : KISHORE C. SANT, J.

DATE : 21st JUNE, 2024.

PER COURT :

1. Heard the parties.
2. This application is for withdrawal of the amount of compensation deposited by the appellant Insurance Company in the office of the MACT Dhule in MACP No. 131 of 2020 pursuant to the directions of this Court.
3. Learned Tribunal had awarded compensation of Rs. 13,57,830/- to the present applicant, who received injury in an

accident.

4. The disability suffered by the applicant is to the extent of 60%. The learned Advocate for the applicant submits that however, the Member, Tribunal has considered the same only to the extent of 45% and has awarded lesser compensation. He thus, prays for withdrawal of the entire amount.

5. Learned Advocate for the appellant/Insurance Company vehemently opposes the application stating that the Tribunal has considered the income of Rs. 8400/- p.m. of the applicant which is on quite higher side. The disability is not permanent. The Doctor (PW-6) has deposed in his evidence that the injuries can be cure within 6 to 12 weeks. He thus, submits that there are good chances for it in the appeal.

6. Considering the rival submissions, this Court is inclined to pass the following order :

ORDER

a) The application is allowed and disposed off.

- b) The learned MACT, Dhule is directed to allow the applicant to withdraw amount Rs. 10,00,000/- (Rs. Ten Lakhs Only) out of deposited amount, as on the date of passing of the award dated 12.10.2023 alongwith accrued interest, by furnishing usual undertaking to the satisfaction of the MACT Dhule.
- c) Remaining amount shall be deposited in the Fix Deposit, to be renewed periodically till disposal of the appeal.

(KISHORE C. SANT)
JUDGE

mahajansb/