



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

**1046 CIVIL APPLICATION NO. 8537 OF 2024
IN FA/70/2024
WITH
FIRST APPEAL NO.70/2024**

**Govind Yadav Badane
VERSUS
National Insurance Company Ltd Through Its Branch Manager
And Ors**

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**Advocate for Applicant : Mr. Shirsat Suhas R
Advocate for Respondents : Mr. Ajit B. Kadethankar**

CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 23, 2024

PER COURT :-

1. Heard Mr. Shirsath, learned advocate appearing for the applicant and Mr. Kadethankar, learned advocate appearing for Respondent no.1-Insurance company.
2. Mr. Shirsath learned advocate submits that applicant has suffered 26% permanent disability, which has been resulted in 100% lost of working capacity as the applicant was professional driver. He would submit that the Tribunal, after considering relevant factors passed the award. The applicant is in need of money. Hence, he urges to release the amount.
3. Mr. Kadethankar, learned advocate appearing for respondent no.1 opposed the application. He submits that as against 26% permanent disability, Tribunal has considered disablement to the extent of 100%. He would therefore submits that the Award is excessive and exorbitant.

4. Having considered the submissions advanced, it is apparent that there is no dispute that claimant suffered permanent disablement on account of accidental injuries involving insured vehicle. The dispute raised in this appeal is only as regards to the quantum. Tribunal found that claimant is required to spend more than 3 Lakhs towards medical treatment. Considering overall submissions and defence of the insurance company, it would be appropriate to permit the applicant to withdraw 50% of the amount deposited alongwith accrued interest with the Registry of this Court on condition that the applicant files usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Civil application stands **disposed off.**

First Appeal :-

Call Record and Proceeding. Stand over to eight weeks.

(S. G. CHAPALGAONKAR)
JUDGE

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