



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.380 OF 2024 IN
FIRST APPEAL (ST.) NO. 26694 OF 2018

Sai @ Nahnu Gansh Boarse
u/g of mother Manisha Ganesh Boarse .. Applicant

Versus

H.D.F.C. Ergo General Insurance Co. Ltd.
& another .. Respondents

Mr. M. S. Shah, Advocate for the applicant.
Mr. M. R. Deshmukh, Advocate for respondent No. 1.

CORAM : R. M. JOSHI, J.
DATE : 9th JANUARY, 2024.

PER COURT :

1. This application is for withdrawal of amount deposited by respondent No. 1/original appellant in this Court.

2. During the course of hearing, learned counsel for applicant, on instructions, submits that the amount deposited in the name of minor be kept in Fixed Deposit as per the order of Tribunal. As far as remaining amount of Rs. 5,00,000/- is concerned, it is submitted that the parents of the applicant had to meet with medical expenses for treatment of the child so also future medical expenses

are involved. He also drew attention of the Court to the operative part of the order wherein the Tribunal has permitted mother of the applicant to utilise Rs. 3 lacs for the purpose of operation etc. before expiry of fixed deposit period. He further submits that having regard to the nature of permanent disability caused to the child, expenses more than required for a normal child are to be borne by the mother of the applicant and hence he seeks withdrawal of sum of Rs.5,00,000/- along with interest accrued thereon.

3. Learned counsel for respondent No. 1/ original appellant opposed the said contention. According to him, award passed by the Tribunal is granting disproportionately high compensation that the usual trend.

4. Prima facie perusal of the record shows that parents of the child have incurred medical expenses. Considering nature of disability caused to child, future medical expense is not ruled out. This Court finds substance in the contention of learned counsel for the applicant that the child requires more expenses than normal child. The amount of Rs. 9,50,000/- is already kept in fixed deposit which is secured. Having regard to the peculiar facts of this case,

this Court finds it appropriate to allow the applicant to withdraw sum of Rs. 4,50,000/- along with interest accrued thereon. Withdrawal shall be subject to the outcome of this appeal. The amount is allowed to be withdrawn on submitting usual undertaking.

(R. M. JOSHI)
Judge

dyb