



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

**53 CIVIL APPLICATION NO. 4851 OF 2025
IN FA/708/2025**

KIRAN YADAV KURHADE

VERSUS

VRUSHABH RAMESH MHASKE AND ANR

...

Mr. Shaikh Sohail Yusuf, Advocate for Applicant

Mr. Prabhakar B. Vikhe Patil, Advocate for Respondent No.1

Mr. A. S. Usmanpurkar, Advocate for Respondent No.2

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 07.05.2025

PER COURT :-

. Heard learned Advocates appearing for respective parties.

2. Applicant is seeking permission to withdraw the compensation amount deposited by the respondent/insurance company in pursuance to the award dated 23.03.2023 passed by the Motor Accident Claims Tribunal, Shrirampur in MACP No.100 of 2021.

3. Applicant is the original claimant in MACP No.100 of 2021. He suffered injuries in motor vehicular accident. The applicant's permanent disability is assessed to 50%. However, since he became incapable to work as teacher, he suffered 100% loss of earning. The Tribunal relied upon the evidence of Dr. Majid, who testified that the claimant would not be able to recall memory and would be incapable to perform his job as a teacher. Considering aforesaid circumstances, the Tribunal passed an

award of ₹26,38,000/-. The respondent/insurance company filed this appeal challenging assessment of compensation, as well as raising defence of contributory negligence. Considering nature of the disability and reasoning adopted by the Tribunal on issue of negligence, claimant is certainly entitled to partial withdrawal of the amount.

4. In result, the following order is passed:

::ORDER::

- a. Civil Application is partly allowed and disposed of.
- b. Applicant/claimant is permitted to withdraw 60% of the compensation amount deposited by the respondent/insurance company on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court that he shall re-deposit the amount, in case, adverse order is passed in appeal.

IN APPEAL

- . Heard.
2. Issue notice to respondents, returnable on 16.07.2025. Mr. Shaikh waives notice for respondent No.1.
3. Call for Record and Proceeding.

[S. G. CHAPALGAONKAR, J.]

HRJadhav