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919-CA-303-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 303 OF 2025
IN FAST/35267/2024

United India Insurance Co Ltd Through Its Branch Manager

VERSUS

Mujeeb Azim Pathan And Others

WITH

CIVIL APPLICATION NO. 302 OF 2025
IN FAST/35267/2024

WITH

CIVIL APPLICATION NO. 2035 OF 2025
IN FAST/35267/2024

...

Mr. Swapnil S. Rathi, Advocate for Applicant.

Mr. Syed Moisali A, Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 15th OCTOBER 2025.

PC :-

CA/302-303/2025

1. Returnable date is extended by four weeks from today.
2. Notice be published at least two weeks prior to the next date.

CA/2035/2025

3. Heard the learned Advocates for the parties.

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4. This application is filed for withdrawal of the amount deposited by the appellant insurance company in the office of this court.

5. The learned Advocate Mr. Rathi vehemently opposed the application. He submits that, there are substantial grounds involved in the appeal. The involvement of the vehicle is under question. The accident took place on 25th September 2022. The first information report came to be lodged at much belated stage, on 19th November 2022, after a gap about two months. He further submits that in the accident, the applicant lost one leg. The disability as per the schedule of the Workmen's Compensation Act, could not have been more than 60%. In the present case, however, the court has taken the disability to the extent of 78% and this affects the quantum, and therefore, the ground of quantum is also raised in the appeal. He further submits that the Court while calculating the amount has calculated the amount of Rs.23,71,144/- whereas in the operative order, the court has directed to pay compensation of Rs.27,71,142/-. Thus, there is even mistake in calculation.

6. This Court has considered the submissions. the facts of accident and injury is not disputed. The question of quantum can be decided at the time of final hearing of the appeal. For the present, this court finds that to meet the ends of justice, the following order:

ORDER

- (i) Civil Application stands partly allowed.
- (ii) The applicant is permitted to withdrawn 30% of the amount deposited in the office of this Court alongwith accrued interest on furnishing usual undertaking.
- (iii) Further 30% of the amount is allowed to be withdrawn with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iv) The remaining amount be kept in any nationalized bank to be renewed from time to time till final disposal of the appeal.

[KISHORE C. SANT, J.]