

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

**924 CIVIL APPLICATION NO. 5375 OF 2023
IN FA/1008/2022
WITH
CIVIL APPLICATION NO. 6753 OF 2022
IN FA/1008/2022**

**MUSTAFA MEHBOOB SHAIKH
VERSUS
KALPANA MISHRA**

...
Mr. Shaikh Mazhar A. Jahagirdar, Advocate for Applicant
Mr. A. S. Usmanpurkar, Advocate for Respondent No.2

....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 07/02/2025.**

P. C. :

A) ORDER CIVIL APPLICATION NO.5375 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the insurance company alongwith the interest accrued thereon.
3. The learned counsel for the insurance company strongly opposed the application on the ground that the learned Tribunal has exhibited the disability certificate without examining the doctor. Moreover, in respect of the medical bills, no witness was examined. As such, he claimed that the leaned tribunal has granted exhorbitant amount of

compensation in absence of reliable evidence in respect of disability sustained by the applicant and in respect of the medical bills on record.

4. However, it is now settled that the amount of medical bills can be granted even the concerned person, who issued the bill, is not examined.

In the instant matter, the applicant has sustained expenditure almost of Rs.14 lakh. Therefore, it would be proper to release the 75% of the deposited amount. In view of the same and considering the compensation granted by the learned Tribunal, the applicant is permitted to withdraw 75% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.6753 OF 2022 :

Since the appellant insurance company has deposited the entire amount of compensation alongwith the interest, the stay application is made absolute in terms of prayer clause-B and disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)