



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

CIVIL APPLICATION NO. 4188 OF 2025

IN FAST/35531/2024

**THE CHIEF MANAGER, THE NEW INDIA
ASSURANCE CO LIMITED**

VERSUS

NARESH BHAGWANRAO SABANE AND OTHERS

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Advocate for Applicant : Mr. Abhijit Choudhari
Advocate for Respondent No.1 : Mr. Sonkawade Shrikant

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CORAM : SHAILESH P. BRAHME, J.

DATE : 8th JULY 2025

PER COURT :

1. This application is for withdrawal of amount of Rs.14,87,311/- + Rs.25000/- = Rs. 15,12,311/- deposited by the Insurance Company. It is submitted by the learned Counsel for the Applicant that, considering the injuries sustained by the Applicant, the medical records, and the fact that he was discharged from service, the Applicant is entitled to amount. It is submitted that Applicant is in dire need of amount. He was hospitalized and considerable amount was spent. Presently there is no source of income to the family.

2. Per contra, Mr. Chaudhari learned Counsel for the Respondent/Insurance Company would submit that the Tribunal has recorded categorical finding that there is no permanent disability. The accident occurred on 18.11.2017 and the Applicant was discharged from services on 18.05.2021. After accident, he was in

service for almost five years. Therefore it is submitted that it is very risky to permit the Applicant to receive the amount.

3. I have considered rival submissions of the parties. I have also gone through impugned judgment. The accident occurred on 18.11.2017 and the Applicant sustained injuries. He was hospitalized and under medication. Thereafter on medical ground, he was discharged from 18.05.2021. Since then, there is no source of income to the family. It cannot be said that the accident and the injuries sustained therein had no bearing on his discharge from service. Prima facie, there are observations that there is no permanent disability. It is not possible to embark an inquiry into rival allegations at this stage. The interest of justice would be subserved in permitting the Applicant to withdraw some amount.

4. Civil Application is partly allowed.

5. Applicant is permitted to receive 50% of the amount with accrued interest on furnishing undertaking.

6. Balance amount shall be invested in the Nationalized Bank.

SHAILESH P. BRAHME
JUDGE

NAJEEB..