



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

**CIVIL APPLICATION NO. 4193 OF 2025
IN
FIRST APPEAL NO. 139 OF 2025**

Mayur Dilip Patil

.. Applicant

Versus

The United India Insurance Co.
Ltd. Manager T. P. and others

.. Respondents

Shri Ajay D. Pawar, Advocate for the Applicant.
Shri Swanil S. Rathi, Advocate for the Respondent No. 1.
Shri Bhushan Deshpande, Advocate for the Respondent Nos. 2
and 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH JUNE, 2025.**

ORDER :

. This application is for withdrawal of amount deposited by the respondent No. 1/Insurance Company. In pursuance of the order dated 20.01.2025, the Commissioner was prohibited from disbursing the amount. The respondent No. 1/Insurance Company who preferred this appeal has submitted a certificate of deposit of amount.

2. Learned counsel for the applicant seeks withdrawal of amount for the reasons stated in the application. It is contended that applicant is incapacitated and he has no alternative than to pray for withdrawal.

3. Per contra, learned counsel Mr. Swapnil Rathi for the respondent No. 1/Insurance company would oppose the submissions and the application. It is contended that quantum is seriously disputed by the insurance company. The liability of the insurance company is contractual and would extend upto wages of Rs. 8,500/- per month. It is contended that wages of Rs. 15,000/- per month have been taken into account for calculating quantum. Besides that for the loss of limb the compensation to the extent of 60% is admissible. Learned counsel would further point out the serious flaws in the impugned judgment and order.

4. Considering rival submissions of the parties, at this juncture the liability of the respondent No. 1/Insurance Company to some extent is evident and cannot be overlooked. Learned counsel Mr. Rathi is right in his contention that applicant is not entitled to receive entire amount. However, it would be in the interest of justice to permit the applicant to receive part of the amount. Considering overall circumstances, I find it appropriate to permit the applicant to receive Rs. 13,00,000/- (Rs. Thirteen Lakhs only) out of the amount deposited before the Commissioner.

5. For the reasons stated above, the civil application is partly allowed. Applicant shall be permitted to receive Rs. 13,00,000/- (Rs. Thirteen Lakhs only) on furnishing undertaking to the

satisfaction of Commissioner. The balance amount shall be invested in the fixed deposit receipt of any nationalized bank. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/June 25