



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3956 OF 2025
IN FAST/991/2025

SANTOSH RAMRAO GHOKANE AND ANOTHER
VERSUS
THE NEW INDIA ASSURANCE CO LTD
THROUGH ITS BRANCH MANAGER

...
Advocate for the Applicant : Mr. Dodiya Ramankumar Gopal
Advocate for Respondents :Mr.Ramesh Imale

...
CORAM : SHAILESH P. BRAHME, J.
DATE : 12.08.2025

PER COURT :

. Heard both sides.

2. Applicants are seeking withdrawal of Rs.32,87,431/- deposited by the Respondent/Insurance company. It is submitted that accident has resulted into 70% permanent disability. The earning capacity is affected and applicant is entitled to receive amount deposited in this Court.

3. Learned counsel Mr.Imale for the insurance company opposes the submissions. He would submit that appeal has been preferred for quantum and false involvement of the vehicle. It is submitted that amount towards future prospectus has been awarded arbitrarily and

illegally.

4. I have considered rival submissions of the parties. I find that imputation of accident can not be disputed. There is every reason to believe that his earning capacity has been affected due to the injury. Ends of justice would be met by permitting the applicant to receive 70% of the amount.

5. Civil application is partly allowed by permitting the applicant to receive 70% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. Balance amount shall be invested in nationalized bank.

[SHAILESH P BRAHME, J.]

vsj..