



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 CIVIL APPLICATION NO. 5401 OF 2025
IN FAST/1676/2025

ROHINI GANESH JARHAD
VERSUS
PRATAP SHIVAJI UGALE AND ORS

...

Mr. Amol P Khedkar, Advocate for Applicant
Mr. M. R. Deshmukh, Advocate for Respondents

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 07.05.2025

PER COURT :-

- . Heard learned advocates for respective parties.
2. Applicant is seeking permission to withdraw the amount deposited by the respondent/insurance company in pursuance to the award dated 26.07.2023 passed in MACP No.551 of 2018, at Aurangabad.
3. The applicant is the original claimant. She suffered injuries in motor vehicular accident. The evidence of Dr. Bedmutha suggests that she suffered fracture in the bone of her leg. The treating doctor issued a certificate of disability showing 17% disability to her right leg and 17% disability to her pelvis. The Tribunal considered that the aforesaid disabilities must have caused a 50% loss of earning capacity and accordingly granted

compensation of ₹11,43,710/-. The insurer of the offending vehicle assailed the award, mainly on the ground of quantum.

4. Perused the reasons adopted by the Tribunal under the impugned award, the claimant was working as a laborer prior to the accident. The evidence of doctor is not sufficient to draw inference as to whether the loss of earning would be 50% or not. However, the fact remains that she suffered permanent disablement due to the fracture in right leg, and as a result, she must be suffering loss of earnings.

5. In that view of the matter, following order is passed:

::ORDER::

- a. Civil application is partly allowed.
- b. The applicant is permitted to withdraw 50% of the compensation amount with accrued interest thereon as deposited by the respondent/insurer on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court that she shall re-deposit the amount, in case, adverse order is passed in appeal.

[S. G. CHAPALGAONKAR, J.]

HRJadhav