



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

**CIVIL APPLICATION NO. 9005 OF 2025
IN
FIRST APPEAL NO. 890 OF 2025**

Muktar Nasir Khan

.. Applicant

Versus

The Manager New India Insurance

Corrected as Assurance Co. and others .. Respondents

Shri Rajendra S. Kasar, Advocate for the Applicant.

Shri Ramesh R. Imale, Advocate for the Respondent No. 1.

CORAM : SHAILESH P. BRAHME, J.

DATE : 21ST AUGUST, 2025.

FINAL ORDER :

. Heard both sides.

2. Applicant is seeking withdrawal of amount of Rs. 10,70,963/- besides statutory deposit of Rs. 25,000/-. He suffered injury in the accident and considering his age, he is in need of money.

3. Per contra, learned counsel Mr. Imale for the insurance company submits that there is absolutely no evidence on record to show monthly income. The applicant is said to have proprietor of fabrication business. It has not been affected despite the accident and the same is being run effectively. It is further

contended that for future prospectus instead of 20%, 15% income should have been considered.

4. I have considered rival submissions of the parties. I have also gone through impugned judgment. The fact that applicant is injured in the accident and there was permanent disability to the extent of 15% is undisputed. Submissions on the quantum can be dealt with at the time of final hearing. Ends of justice would be met in permitting the applicant to receive 60% of the amount deposited with accrued interest.

5. The civil application is partly allowed permitting the applicant to receive 60% of the amount deposited with accrued interest on submitting undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Aug. 25