



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO. 10783 OF 2025
IN FA/1348/2024

Chandrakant Sampatrao Sable
VERSUS
United India Insurance Company Ltd

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Mr. R. M. Gaikwad, Advocate for Applicant
Mr. M. R. Deshmukh, Advocate for Respondent No.1

CORAM : SANJAY A. DESHMUKH, J.

DATE : 25.11.2025

PER COURT :-

1. This is an application seeking permission to withdraw the amount deposited in this Court pursuant to the award.
2. Heard the learned advocates for both sides.
3. Learned advocate for respondent-Insurance Company strongly opposed the application and submitted that the claimant has not sustained any permanent disability as alleged. He is relied upon the judgment of the Hon'ble Supreme Court in ***Raj Kumar Vs. Ajay Kumar and Another, reported in (2011) 1 SCC 343***, particularly in paragraph No.10 of the judgment, which reads as under:

“10. Where the claimant suffers a permanent disability as a result of injuries, the assessment of compensation under the head of loss of future earnings would depend upon the effect and impact of

such permanent disability on his earning capacity. The Tribunal should not mechanically apply the percentage of permanent disability as the percentage of economic loss or loss of earning capacity. In most of the cases, the percentage of economic loss, that is, the percentage of loss of earning capacity, arising from a permanent disability will be different from the percentage of permanent disability. Some Tribunals wrongly assume that in all cases, a particular extent (percentage) of permanent disability would result in a corresponding loss of earning capacity, and consequently, if the evidence produced show 45% loss of future earning capacity. In most of the cases, equating the extent (percentage) of loss of earning capacity to the extent (percentage) of permanent disability will result in award of either too low or too high a compensation.”

4. Perused the application. For the reasons stated therein and considering the arguments of both the sides, it would be proper to partly allow the application. Hence, the following order:

::ORDER::

- a. The application is partly allowed.
- b. The applicant is permitted to withdraw 75% of the amount with accrued interest thereon deposited in this Court on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

[SANJAY A. DESHMUKH, J.]