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

**24 CIVIL APPLICATION NO. 416 OF 2025
IN FAST/15670/2024**

**RAJENDRA @ RAJIV@RAJU NAGORAO GARAD
VERSUS**

**NATIONAL INSURANCE COM THROUGH DIVI OFFICER AND
ORS**

...

Advocate for Applicant : Mr. Sushant Choudhari

Advocate for Respondents : Mr. Vinodkumar R Mundada For R/1

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 15TH JANUARY, 2025.

P.C. :-

Heard Mr. Chaudhari, learned advocate for the applicant and Mr. Mundada learned advocate for respondent/Insurance Company.

2. The applicant is original claimant in MACP NO. 149 of 2019. He suffered amputation of left leg in the motor vehicle accident dated 25.12.2015. Consequently, he filed claim for compensation against owner, driver and insurer of the offending vehicle.

3. The Tribunal, upon assessment of evidence on record allowed the claim vide judgment and award dated 5.1.2024 and granted compensation of Rs. 41,35,947/- in favour of the claimant.

4. Aggrieved insurer approached this Court raising limited challenge to the quantum, to the extent of 20 Lakhs while accepting award for the balance amount. An amount of Rs. 58,14,143/- has been deposited in pursuance to the award. Since there is limited challenge, the applicant is certainly entitled to withdraw Rs. 30 Lakhs out of the amount deposited in this appeal. Hence, the following order :-

O R D E R.

- (i) The application is partly allowed;
- (ii) The applicant/claimant is permitted to withdraw Rs. 30 Lakhs out of the amount deposited in this appeal on furnishing usual undertaking by the applicant to the satisfaction of Registrar (Judicial) of this Court that in case appeal is allowed, he shall refund the amount within eight weeks from the date of judgment of this court.
- (iii) Balance of amount can be kept in Fixed Deposit in any Nationalized bank for the term which entitles maximum interest rate.
- (iv) Application stands disposed of.

[S.G. CHAPALGAONKAR, J]

grt/-