



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

**CIVIL APPLICATION NO. 4454 OF 2025
IN FA/351/2025**

**KEVALKRUSHNA ATMARAM PATIL AND OTEHRS
VERSUS
YASHWANT SADU SURYAWANSHI AND ORS**

...
Mr. Dipesh Deelip Pande, Advocate for Applicants.
Mr. M. R. Deshmukh, Advocate for Respondent No.3.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th APRIL, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. The applicants/claimants seek permission to withdraw amount deposited by respondent/insurer in pursuance to award dated 14.02.2024 in M.A.C.P. No.142/2017.
3. The claimant suffered injury in accident dated 20.10.2016 while he was driving Minidor, which according to him was dashed by insured Tractor bearing Registration No.MH-18-Z-6995. As a result of accident, he suffered crush injury and eventually, amputation of right leg below knee. He was agriculture labour and also driver.
4. The claim instituted by claimant was contested by insurer of Tractor firstly on the ground of false implication and secondly on the ground of quantum.
5. The Tribunal after evaluation of evidence passed award for Rs.25,12,000/- alongwith interest @ 6% per annum in favour of

claimant. Aggrieved insurer filed present Appeal carrying forward its defence.

6. Perusal of reasoning recorded by Tribunal shows that findings as to involvement of vehicle is based on police papers and also evidence of claimant himself. Undisputedly, claimant suffered amputation of leg below knee and now incapable to earn his livelihood. In that view of the matter, case is made out to grant partial withdrawal of amount. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The applicants are permitted to withdraw 60% of compensation amount as deposited by insurer alongwith interest accrued thereon subject to condition that applicants file an undertaking taking to the satisfaction of Registrar (Judicial) of this Court that they shall redeposit amount in case any adverse order is passed in Appeal. Such an undertaking to be filed within a period of eight weeks from today and shall be made part of Appeal compilation.
- c. Balance of the amount be kept in Fixed Deposits in any Nationalized Bank.

(S. G. CHAPALGAONKAR)
JUDGE