



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

**CIVIL APPLICATION NO. 4493 OF 2025
IN FA/297/2025**

MADHAV RAMRAO SOMWANSHI

VERSUS

**MANAGER THE NEW INDIA INSURANCE CO LTD MANDAL
OFFICE AND ANR**

...

Mr. Ramchandra S Patil, Advocate for Applicant.

Mr. S. R. Bagal, Advocate for Respondent.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 25th APRIL, 2025.

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. The applicant is original claimant in M.A.C.P. No.332/2020. He instituted claim for compensation on account of accidental injury suffered by him and consequential permanent disablement.
3. The claim was contested by respondent/insurer on multiple grounds.
4. The Tribunal after considering rival submissions, passed award for Rs.6,55,500/- in favour of claimant alongwith interest @ 7.5% per annum.
5. Aggrieved insurer filed present appeal mainly challenging quantum of compensation.
6. Mr. Bagal, learned Advocate appearing for respondent/insurer points out that applicant was in service as

Conductor prior to accident, which has been continued even after accident. As such, there is no loss of future earning.

7. Assuming that claimant has not suffered any loss of future earning, the fact remains that he suffered permanent disablement. In that view of the matter, claimant is certainly entitled for partial withdrawal of amount. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The applicant is permitted to withdraw amount of Rs.5,00,000/- alongwith accrued interest thereon subject to condition that applicant files an undertaking to the satisfaction of Registrar (Judicial) of this Court that he shall redeposit amount in case any adverse order is passed in Appeal. Such an undertaking to be filed within 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