

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.1761/2015

**938 CIVIL APPLICATION NO. 1761 OF 2015
IN FAST/24282/2014**

RAMLAL NANDLAL JAIN CHHORIYA
VERSUS
THE ORIENTAL INSURANCE CO. LTD. AND OTHERS

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Advocate for Applicants : Mr. Tungar h/f Mr. Deshpande C.R.
Mr. Deshpande A S, Adv., for R/1

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CORAM : R. M. BORDE & SUNIL P. DESHMUKH, JJ.
Dated: February 13, 2015

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PER COURT :-

1. This is an application seeking withdrawal of amount deposited by Insurance Company in this Court. The amount is deposited in pursuance to the award passed by the Motor Accident Claims Tribunal. The respondent has been awarded compensation to the tune of Rs.52,73,313/- towards the injury claim presented by the claimant. The Insurance Company has deposited Rs. 70,39,171/- in this Court.

2. Considering the contentions raised in the application as well as on hearing other side, we are of the opinion that ends of justice would be met if the applicant is permitted to withdraw a sum of Rs.35 lacs (Rupees thirty five lacs) on condition of furnishing an undertaking to the Court that in the event of success in the appeal, he would re-deposit the amount within a period of twelve weeks from such decision. The balance amount shall be

AGP/-

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invested in a fixed deposit in a nationalized Bank initially for a period of five years and the fixed deposit shall be further renewed until disposal of appeal.

Application allowed accordingly.

(SUNIL P. DESHMUKH, J.)

(R. M. BORDE, J.)

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