

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

**CIVIL APPLICATION NO. 3738 OF 2014
IN
FIRST APPEAL NO. 580 OF 2014**

Shaikh Nayyum Shaikh Shakur

... Applicant

VERSUS

The New India Assurance Co. Ltd. & Anr.

... Respondents

.....
Mr M. B. Ubale, Advocate for applicant
Mr Ambhore, Advocate for respondent No. 1
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **28TH AUGUST, 2015.**

PER COURT:

. This is an application seeking withdrawal of the amount deposited by the non-applicant.

2. Mr Ambhore, ld. Counsel for the non-applicant opposes the application on the ground that the relationship of the employer and employee itself is disputed. Moreover, two vehicles are involved in the accident. Even, the disability is not proved.

3. Today, the award is in favour of the applicant. At the same time, the interest of the Insurance Company will have to be safeguarded.

4. Considering the above, I pass the following order.

ORDER

- (i) The applicant is allowed to withdraw Rs. 1,00,000/- on submitting an undertaking to this Court that, in the event this Court directs him to deposit the amount, he shall redeposit the amount within a period of one month from the date of such order.
- (ii) The applicant is also allowed to further withdraw an amount of Rs. 1,00,000/- on submitting solvent security / surety of the like amount.
- (iii) The remaining amount be kept in fixed deposit in any nationalized Bank.

Civil Application disposed of accordingly.

[S. V. GANGAPURWALA, J.]

sgp