

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

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**24 CIVIL APPLICATION NO.8470 OF 2015
IN FA/805/2015**

SANDESH SAHEBRAO SHAHARAO

VERSUS

UNITED INDIA INSURANCE CO. LTD, AND OTHERS

...

**Advocate for Appellant : Mr. V. D. Patnurkar
Advocate for Respondent No.1 : Mr. Bodade S. R.**

...

CORAM : S. V. GANGAPURWALA, J.

DATE : 14th September, 2015

PER COURT :

1. This is an application for withdrawal of the amount. The appeal is not yet admitted. The appeal will have to be considered on merits. According to Mr. Bodade, learned counsel for the Insurance Company, aspects of contributory negligence is not considered by the tribunal in its proper perspective.

2. In the light of that, the dispute would be about the quantum. There would be no impediment to allow claimant to withdraw 50% amount deposited. In the light of that, I pass following order:

3. The applicant is allowed to withdraw 50% of the

amount deposited on submitting undertaking to the tribunal that in the event the applicant is directed to deposit, the amount, he would deposit the same within one month.

4. Civil application disposed of.

(S. V. GANGAPURWALA, J.)

JPC