

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

**CIVIL APPLICATION NO. 10108 OF 2015
IN
FIRST APPEAL NO. 294 OF 2010**

Sherkhan Amirkhan Pathan

... Applicant

VERSUS

Bajaj Allianz General Insurance Co. Ltd. & Anr.

... Respondents

.....
Mr M. C. Ghode, Advocate for the applicant
Mr Kalani, Advocate for the respondent No. 2
Mr S. G. Chapalgaonkar, Advocate for respondent No.1
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **21ST AUGUST, 2015.**

PER COURT:

. This is an application seeking permission to withdraw the amount of Rs. 2,50,000/- deposited by the Insurance Company.

2. This Court has already passed an order on 8.4.2011 allowing the applicant to withdraw Rs. 1,00,000/- by furnishing an undertaking and remaining amount on furnishing solvent security of like amount. It has also been stated in the said order dt. 8.4.2011, that the Insurance Company has deposited an amount of Rs. 3,50,000/-.

3. Learned Counsel for the applicant states that the executing Court is not allowing the applicant to withdraw Rs. 2,50,000/- on solvent security on the ground that there is no specific order.

4. The order dt. 8.4.2011 passed by this Court in C.A. No. 4531/2011 is unambiguous and clear. The Insurance Company has deposited an amount of Rs. 3,50,000/- and Rs. 1,00,000/- is allowed to be withdrawn on furnishing undertaking and remaining amount was allowed to be withdrawn on furnishing solvent security of the like amount. Remaining amount is naturally Rs. 2,50,000/-, which is however to be withdrawn on solvent security. The executing Court should understand the same.

5. Civil Application disposed of accordingly.

[S. V. GANGAPURWALA, J.]

sgp