

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

CIVIL APPLICATION NO. 11753 OF 2015
IN
FIRST APPEAL NO. 1609 OF 2014

Dagadu Ziparu Wani

Applicant...

VERSUS

The National Insurance Company Ltd. & Ors.

Respondents..

.....
Mr M. H. Patil, Advocate for the applicant
Mr S. G. Chapalgaonkar, Advocate for respondent No. 1
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : 23RD OCTOBER, 2015.

PER COURT:

. This is an application for withdrawal of the amount.

2. Learned Counsel for the non-applicants oppose the application on the ground that the deceased was sitting on the top of the Truck and was electrocuted. As such, it is not the case of rash and negligent driving on the part of the driver and no issue in that regard was also framed.

3. Considering the award passed, I pass the following order.

ORDER

(a) The applicant is allowed to withdraw Rs. 5,00,000/- on submitting an undertaking to this Court that in the event

this Court directs him to deposit the amount, he will redeposit the amount within one month from the date of such order.

- (b) The applicant is further allowed to withdraw Rs. 5,00,000/- on submitting solvent surety / security of the like amount.
- (c) The remaining amount be kept in fixed deposit in any of the nationalized bank.

Civil Application accordingly stands disposed of.

[S. V. GANGAPURWALA, J.]

sgp