

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

**CIVIL APPLICATION NO. 14093 OF 2015
IN
FIRST APPEAL STAMP NO. 21111 OF 2009**

Afsar Ilahi Shaikh .. Applicant

Versus

Momin Hamid Dastgir and others .. Respondents

Shri Kailas A. Kadam, Advocate for the Applicant.
Shri M. M. Ambhore, Advocate for the Respondent No. 3.

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

PER COURT :

. This is an application for withdrawal of amount. The matter is pending for admission since 2009 as steps are not taken against the respondent No. 3 in appeal.

2. Mr. Ambhore, the learned counsel submits that, he would take steps against the respondent No. 3.

3. As far as the application for withdrawal of amount is concerned, the same can be considered, as original applicant/appellant is not taking steps.

4. Considering the award passed, the applicant/claimant is allowed to withdraw 50% of the amount deposited by the Insurance Company on submitting undertaking before the Commissioner that, in the even the appeal is allowed and this Court directs the claimant to deposit the amount, he would deposit the same within one month. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15