

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

7 CIVIL APPLICATION NO. 3067 OF 2016
IN FA/1051/2015

SUKHDEO MHATARBA BANAYER
VERSUS
MADAN ASRUBA JADHAV

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Advocate for Applicant : Mr. AR Gaikwad, Adv. h/for
Mr. Giri Vikas S
Mr. Sachin V.Koplekar, Adv. h/for Mr. V D Salunke
For R/1

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CORAM : P.R. BORA, J.
Dated: April 16, 2016

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PER COURT :-

- 1) Heard the learned Counsel for the applicant and learned Counsel appearing for the respondent, i.e. appellant, who has filed the appeal.
- 2) The learned Counsel for the applicant submitted that though the alleged accident had happened in the year 2005, till date, no amount is received to the applicant. The learned Counsel, therefore, prayed for permitting the applicant to withdraw the entire amount deposited by the appellant in this Court.
- 3) The learned Counsel for the appellant has opposed for such withdrawal, stating that the amount of compensation is likely to be substantially reduced.

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(2)

4) After having considered the submissions so made by the learned Counsel for the parties, it appears to me that it would meet the end of justice, if the applicant is permitted to withdraw Rs, 1,50,000/- on submitting an undertaking that in the event the appeal is allowed and any adverse order is passed against the present applicant, he will deposit the amount so withdrawn by him within next two months of the said order. The balance amount be invested in any nationalized bank in FDR for the period till disposal of the appeal. CA disposed of.

(P.R. BORA, J.)

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