

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

916 CIVIL APPLICATION NO.4232 OF 2016
IN FAST/25584/2015

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SAVITA KAKASAHEB HAGWANE PATIL
VS
THE SHRIRAM GENERAL INSURANCE CO. LTD AND ANR.

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Mr. RB Dhanukar Adv, for applicant;
Mr. SG Chapalgaonkar, Adv. For Resp.No.1.

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CORAM : P.R. BORA, J.
Dated: April 01, 2016

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PER COURT :-

1) The original claimant has filed the present application, seeking withdrawal of the amount deposited by the insurance company in the present appeal in pursuance of order passed by this Court.

2) The learned Counsel appearing for the appellant/insurance company has opposed the prayer so made by the applicant stating that the very involvement of the vehicle is disputed by the insurance company. The learned Counsel submitted that a specific defence was raised by the insurance

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company before the Tribunal. However, the Tribunal has rejected the said defence without any proper discussion there for.

3) In view of the submission so made, and more particularly taking into account the defence so raised by the insurance company, ends of justice would be met if the applicant is permitted to withdraw 50% of the amount so deposited by the insurance company subject to an undertaking to be submitted by her that in event any adverse order is passed against her, she will deposit the amount so withdrawn by her within next two months from the date of the said order.

4) The Civil Application is allowed in the aforesaid terms and stands disposed of.

(P.R. BORA, J.)

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