

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

5044-16CA

914 CIVIL APPLICATION NO. 5044 OF 2016
IN
FA/1651/2015

BALU @ SAKHARAM SOPANRAO GAVHANE
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. AND ORS

...
Advocate for Applicant : Mr.Deshmukh Sachin S.
Advocate for Respondent no.1 : Mr. S.G.Chapalgaonkar
Advocate for respondent no.2: Mr. G.R.Syed

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CORAM : P.R. BORA, J.
Dated: April 15, 2016

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PER COURT :-

1. Heard learned Counsel appearing for the applicant and learned Counsel appearing for the respondent Insurance Company which has filed the present appeal.

2. Learned Counsel for applicant has sought withdrawal of the entire amount deposited by the Insurance Company stating that the accident in question had occurred in 2009 and nothing has been yet received to the applicant / claimant, whereas the learned Counsel appearing for the Insurance Company has opposed the said request stating that, no liability is likely to be saddled on the appellant Insurance Company.

3. After, having considered the submissions as aforesaid, it appears to me that, it would meet the ends of justice if the applicant is permitted to withdraw 50 per cent of

AGP/-

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the amount deposited by the Insurance Company on furnishing an undertaking that in the event the appeal filed by the appellant Insurance Company is allowed and no liability is fixed on the appellant Insurance Company, he will re-deposit the amount withdrawn by him within next two months thereafter. Balance amount be invested in Fixed Deposit receipt in any nationalized Bank till final disposal of the appeal.

Application stands disposed in above terms.

(P.R. BORA, J.)

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