

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 13500 OF 2016
IN FA/479/2012

GAURAV PANDURANG GADAMWAD
VERSUS
NEW INDIA INSURANCE COMPANY LTD. AND ANR

...
Advocate for Applicants : Deshmukh Sachin S.
Advocate for Respondents : M.R. Deshmukh
...

CORAM : P.R. BORA, J.
DATE : 06-10-2016.

Per Court :

1. Heard the learned counsel appearing for the applicant and learned counsel appearing for respondent-insurance company. The present applicant has sought the withdrawal of the deposited amount stating that now he has become major and wants to pursue his studies in Pharmacy College at Nilanga. It is further contended that for payment of fees etc., the present applicant is in need of money.

2. The learned counsel for the insurance company has opposed for permitting any such withdrawal. Learned counsel submitted that, substantial amount has already been permitted to be withdrawn. The learned counsel further submitted that, valid grounds are raised by the insurance company in exception to the impugned judgment and award and, as such, it may not be permissible to allow the claimant to withdraw any more amount.

After having considered the submissions so made by the learned counsel appearing for the respective parties, I deem it appropriate to pass the following order.

- i) The application is partly allowed
- ii) The applicant is permitted to withdraw a sum of Rs. 2,50,000/- on submitting an undertaking that in the event any adverse order is passed he will re-deposit the amount so withdrawn by him within four months of passing such order.
- iii) The applicant is further permitted to withdraw the balance amount on furnishing bank guarantee in the like amount of any Nationalised or Scheduled Bank. Civil application stands disposed of. Hearing of the appeal is expedited.

(P.R. BORA)
JUDGE