

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

CIVIL APPLICATION NO. 3839 OF 2017
IN FAST/15438/2016

POONAM RAJENDRA THAKARAL AND ANOTHER
VERSUS
THE NEW INDIA INSURANCE CO. LTD. THR ITS AUTHORIZED
SIGNATORY AND ANOTHER

...
Advocate for Applicants : Mr. A. T. Kanawade.
Advocate for Respondent No.1 : Mr.M.R.Deshmukh
h/f. Mr. S.G.Chapalgaonkar.
...

CORAM : K.K. SONAWANE, J.

DATED : 09TH OCTOBER, 2017.

Order :-

Heard learned counsel for applicant (original respondent No.1) and learned counsel for respondent – The New India Insurance Company Limited. None appears for respondent No.2 i.e. owner of the offending vehicle.

2. It has been submitted that appellant- Insurance Company has deposited in total sum of Rs.17,74,000/- (Rs. Seventeen Lac Seventy Four Thousands Only) approximately in this matter. In view of nature of subject matter, there is no impediment to allow the applicant for withdrawal of half ($\frac{1}{2}$) of the amount deposited in this Court in the interest of justice. It would not cause injustice or prejudice to the applicant, but it will sub-serve the purpose being a motor accident claim. Hence, the applicant is permitted to withdraw half ($\frac{1}{2}$) of the amount which accrued to Rs.8,90,000/- deposited on behalf of appellant- Insurance Company in this case, subject to condition that the applicant shall furnish undertaking to the satisfaction of the Registrar (Judicial) of this Court with effect that in case respondent (appellant) – Insurance Company succeeded in appeal or any adverse situation arises in future, the applicant will refund the

amount forthwith on issuance of requisite direction by this Court. Rest of half (½) of the balance amount be invested in Fixed Deposit Receipts Account in any Nationalized Bank for a period of two (2) years or adjudication of present appeal on merit, whichever is earlier. Accordingly, civil application stands disposed of.

[K. K. SONAWANE]
JUDGE

rrd.