

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

**953 CIVIL APPLICATION NO. 9405 OF 2017
IN FA/3235/2016**

JALINDAR DATTATRAY SHINDE

.. Applicant

VERSUS

UNITED INDIA INSURANCE COMPANY LTD
THROUGH ITS BRANCH MANAGER
SHRIRAMPUR, AHMEDNAGAR AND
ANR

.. Respondent

...		
Advocate for Applicant	:	Shri. R. B. Dhakane
Advocate for Respondent No.1	:	Shri. V. R. Mundada
...		

**CORAM : P.R. BORA, J.
Dated: July 18, 2017**

PER COURT :-

. By filing the present application, the applicant is seeking withdrawal of the amount deposited by the Insurance Company. The applicant has sought the withdrawal of the entire amount. Shri. Mundada, learned Counsel appearing for the respondent / Insurance Company has opposed for permitting withdrawal of the entire amount. The learned Counsel submitted that substantial grounds are raised challenging the Judgment and Award passed by the Tribunal and the objection as about the contributory negligence on part of the present applicant is one of the main grounds in challenge to the impugned Award. The record of the case shows that this Court *suo - motu* has permitted the original claimant to withdraw 25% of the amount after same is deposited by the Insurance

Company. Learned Counsel for the applicant submits that, till today the applicant has not withdrawn any amount from the deposited amount. In view of the submissions made as above, I deem it appropriate to pass the following order.

ORDER

1. The applicant is permitted to withdraw 50% of the deposited amount.
2. The balance 50% amount be invested in Fixed Deposit Receipt in any nationalized Bank till disposal of the appeal.
3. Civil application stands disposed of accordingly.

(P.R. BORA, J.)

ggp