

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO. 11000 OF 2017
IN FAST/35080/2016

KAILAS TUKARAM MAHAJAN
VERSUS
THE UNITED INDIA INSURANCE CO. LTD. THR ITS ADMINISTRATIVE OFFICER,
AURANGABAD AN

...

Advocate for Applicant : Mr. Madhav M. Bhokarikar
Adv. for Respondents: Mr. S.R. Bagal

CORAM : K.K. SONAWANE, J.

DATE : 11th October, 2017.

PER COURT:

1] Heard learned counsel for the applicant and learned counsel for the United India Insurance company. None appears for respondent No.2. At this juncture, learned counsel for the appellant submits that the respondent No.2 is no more and he passed away long back. The appellant has also moved Civil Application No. 10999 of 2016 for bringing LR's of deceased respondent No.2 - Mr. Vijay Joshi on record.

2] This is an application filed by original claimants for seeking permission to withdraw the amount deposited by the insurance company. There is no impediment to appreciate the contentions of applicant, in absence of proposed LR's of respondent No.2. The appellant Insurance Company has deposited the entire amount alongwith interest, as awarded by the learned Tribunal. The applicant claimant seeks permission to withdraw the entire amount. In view of nature of subject matter and the subject matter in the appeal, it would be justifiable to allow the applicant to withdraw 50% of the amount deposited in this court.

3] Therefore, the applicant is hereby permitted to withdraw 50%

of the amount deposited in this court on behalf of Insurance Company, subject to condition that the applicant shall furnish undertaking to the satisfaction of Registrar (Judicial) of this Court, to the effect that in case adverse situation arises after adjudication of the appeal on merit, in favour of the appellant insurance company, the applicant will refund the amount forthwith as per the directions of this Court. Rest of the amount deposited on behalf of the insurance company be invested in FDR account in any nationalized bank for a period of two years or till adjudication on merit. Registry to do the needful for disbursement of 50% of the amount in favour of the applicant, as referred above. Accordingly, application for withdrawal of amount stands disposed of.

[K.K. SONAWANE]
JUDGE.

grt/-