

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

932 CIVIL APPLICATION NO. 10411 OF 2017
IN FA/1105/2017

PRAKASH LAXMAN KHARE

VERSUS

MOHAMMAD FIROZUDDIN MO MAZHARUDDIN AND ANR

...

Advocate for Applicant : Mr. Agrawal Pavankumar S.

Advocate for Respondent No.1 : Mr. V. N. Upadhye

CORAM : K. L. WADANE, J.

DATE : 8th August, 2017

ORDER:

1. This is an application for withdrawal of the amount of compensation deposited by the respondents pursuant to the order passed by this court dated 10.04.2017.

2. Learned counsel appearing for the respondent has objection to pay the entire amount to the applicants since the involvement of the vehicle itself is in dispute and the appeal against the award is pending.

3. For the reasons stated in the application, I am of the opinion that at least 50% of the amount of compensation under award alongwith with interest accrued thereon is to be paid to the applicant. Hence following order:

O R D E R

i. The applicant is allowed to withdraw 50% amount under the award with interest accrued thereon, on furnishing undertaking that in the event of adverse order passed in the appeal, he shall deposit the entire amount within a period of 8 weeks.

ii. Remaining 50% amount shall be invested in fixed deposit in the name of the applicant initially for a period of 13 months in any nationalized Bank.

4. The civil application is disposed of

(K. L. WADANE, J.)

JPC