

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

949 CIVIL APPLICATION NO. 10441 OF 2017
IN FA/81/2017

SANTOSH RAJENDRA GOPALE
VERSUS
RELIANCE GENERAL INSURANCE CO. LTD., THR ITS
MANAGER, AURANGABAD AND ORS

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Advocate for Applicant : Mr. M.V. Thorat
Advocate for Respondent No.1 : Mr. R. H. Dahat & Mr. S.
S. Patil
Advocate for Respondent No.4 : Mr. A. S. Deshpande

CORAM : K. L. WADANE, J.

DATE : 7th September, 2017

ORDER:

1. Heard.
2. This is an application for withdrawal of the amount of compensation deposited by the appellant Insurance company in this Court.
3. The learned counsel appearing for the appellant Insurance Company submits that before the trial Court, the claim was partially compromised between the claimant and the Insurer of the Jeep and 50% amount was deposited before the Tribunal, which the present applicant has withdrawn. The learned counsel appearing for the Insurance company has strong objection to pay the amount of compensation deposited by the appellant

Insurance company in this court mainly on two grounds, firstly on the ground of quantum and secondly negligence on the part of jeep driver. I have carefully perused the statement of Panchanama from which, prima facie it appears that there was no negligence on the part of Jeep Driver.

4. In the circumstance, in view of the fact that 50% amount is already withdrawn by the applicant, the present application is rejected.

5. List the Appeal for final hearing in the week commencing from 18th September, 2017.

6. Learned counsel for the appellant is directed to provide paper book and supply copy of the same to the respondent/claimant.

(K. L. WADANE, J.)

JPC