

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

23 CIVIL APPLICATION NO. 12246/2017 IN FA/1595/2008

RAMPRASAD KASHINATH JADHAV
VERSUS
UNITED INDIA INSURANCE CO. LTD.

...
Advocate for Appellant : Mr. D.B. Pawar
Advocate for Respondent : Mr. R F Totala
....

CORAM : K.K. SONAWANE, J.

DATED : 10TH OCTOBER, 2017.

Order :-

1. Heard learned counsel for the applicant and respondent-Insurance company. This is an application seeking permission to withdraw the decretal amount deposited by the Insurance Company pursuant to the order passed by the learned Tribunal. The Insurance Company has deposited in all Rs.2,08,000/- in this Court. The matter pertains to the compensation under section 163-A of the Motor Vehicles Act. In view of the nature of subject matter, there is no impediment to allow the applicant to withdraw 50% of the amount deposited by the Insurance Company in this Court for serious injuries suffered to him the vehicular accident.

2. In view of the nature of subject matter and the reasons mentioned in the application, applicant is allowed to withdraw Rs.1,00,000/- (Rupees One Lakh) in lump sum being part payment of the compensation amount from the amount deposited

by the Insurance Company in this Court subject to condition that applicant shall furnish undertaking to the satisfaction of the Registrar (Judicial) of this Court to the effect that in case appellant - Insurance Company succeed in the appeal on adjudication of the appeal, applicant -original claimant will refund the amount forthwith as per directions of this Court.

3. The civil application is allowed in above terms and stand disposed of.

Sd/-
[K. K. SONAWANE]
JUDGE

mtk.