

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

CIVIL APPLICATION NO. 12537 OF 2017 IN FA/306/2014

SAJJAN PANDIT RAUT
VERSUS
MALLIKARJUN GANPATRAO BHALERAU AND ORS

...
Advocate for Applicants : Mr. P. D. Kadam h/f. Mr. S. J. Salunke.
Adv. for Respondent No.1 : Mr.M.A.Deshmukh h/f. Mr.S.G.Chapalgaonkar.
Advocate for Respondent No.1 : Mr. G. M. Shingare.
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CORAM : K.K. SONAWANE, J.

DATED : 09TH OCTOBER, 2017.

Order :-

Heard learned counsel for applicant and learned counsel for respondent No.2 - New India Insurance Company Limited and learned counsel for respondent No.1 (owner of the offending vehicle). None appears for respondents No. 3 and 4. Perused the application.

2. The learned counsel for respondent No.2- Insurance Company raised objection that there is a doubt of involvement of offending vehicle insured with the respondent No.2- Insurance Company. Therefore, it would not just and proper to allow applicant for withdrawal of amount. After perusal of Judgment and Award of the learned Tribunal as well as attending circumstances on record, I do not find any impediment to allow the applicant to withdraw half ($\frac{1}{2}$) of the amount deposited by respondent No.2- Insurance Company in this Court. Definitely, it would sub-serve the purpose in the interest of justice.

3. Therefore, the applicant is hereby permitted to withdraw half ($\frac{1}{2}$) of the amount deposited by respondent-Insurance Company in this case which accrued to Rs.2,00,000/- (Rs. Two Lac Only) approximately.

4. The Registry to disburse the amount mentioned above in favour of applicant as per rules on furnishing undertaking to the effect that, in case, any adverse situation arises after adjudication of appeal on merit, the applicant will refund the amount forthwith as directed by this Court. Rest of the half ($\frac{1}{2}$) of the balance amount deposited in this Court be invested in any Nationalized Bank for a period of two (2) years or till adjudication of present appeal on merit, whichever is earlier.

5. Accordingly, civil application stands allowed in above terms. List the matter for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.