

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

937 CIVIL APPLICATION NO. 13752 OF 2017
IN FA/3548/2017

PAPPU @ MAHENDRA MARUTI HAJARE

VERSUS

BAJAJ ALIIANZ GENERAL INSURANCE COMPANY LTD., THR. ITS
BRANCH MANAGER, AURANGABAD

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Advocate for Applicant : Mr.H.S.Bali

Advocate for Respondent No.1 : Mr.S.G.Chapalgaonkar

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CORAM : PRAKASH D.NAIK, J.

DATE : 21.11.2017

PER COURT :-

1) This is an application seeking withdrawal of the amount deposited by the respondent No.1 in this Court.

2) The applicant has prayed that for meeting medical expenses, the amount of Rs.3,34,933/-, which has been deposited by the respondent No.1 in this Court, may be allowed to be withdrawn. The Judgment and Award is under challenge in the First Appeal preferred by the respondent No.1 in this application. The said Award was passed on 26.4.2017. In accordance with the order dated 7.9.2017 passed by this Court, entire amount has been deposited in this Court.

3) The learned counsel for the respondent No.1 opposes the prayer for withdrawal of amount. It is submitted that the Judgment and Award has been challenged on merits, which are required to be considered at the time of hearing of the appeal and therefore, the original claimant may not be permitted to withdraw the said amount.

4) The claim was in respect to the accident, which had occurred on 4.9.2009. Thereafter, the Award was passed by the Tribunal on 26.4.2017. The claimant is in need of money for undergoing medical treatment. In the said circumstances, the applicant (original claimant) can be permitted to withdraw 70% of the amount deposited by the the appellant in this Court. However, the said withdrawal shall be subject to decision of the First Appeal preferred by the appellant. Hence, order.

ORDER

(I) The applicant (original claimant) is permitted to withdraw 70% of the amount deposited by the appellant in this Court.

(II) Application stands disposed of.

[PRAKASH D.NAIK, J.]