

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

CIVIL APPLICATION NO. 2938 OF 2018
IN FAST/7753/2017

SANGITA RAJU KHUDE
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD, THR ITS
DIV.MANAGER, AHMEDNAGAR AND ORS

...
Advocate for Applicant : Mr. Rajendra B. Dhakane.
Advocate for Respondent No.1 : Mr. S. G. Chapalgoankar.
...

CORAM : K.K. SONAWANE, J.

DATED : 22nd JUNE, 2018.

Order :-

Heard Mr. Dhakane, learned counsel for applicant-original claimant and Mr. Chapalgaonkar, learned counsel for respondent-Insurance Company. No one else appeared on behalf of rest of the respondents. Perused the application and relevant documents.

2. The application is filed on behalf of applicant-original claimant seeking permission to withdraw the decretal amount deposited in this Court towards compensation.

3. In view of nature of the subject matter and objection raised on behalf of learned counsel for respondent – Insurance company, it would be justifiable to allow the applicant-original claimant to withdraw atleast 50 % of the amount deposited in this court towards compensation. It would not cause any injustice to other side. In contrast, it would sub-serve the purpose for substantial justice. Therefore, application deserves to be allowed.

4. Accordingly, the application stands allowed partly. The applicant-original claimant Smt. Sangita Raju Khude is permitted to withdraw 50% of the decretal amount deposited in this court towards compensation subject to condition that the applicant-original claimant shall furnish the undertakings to the effect that she would refund the amount so withdrawn in case any adverse situation arises in the appeal. The rest of the balance amount deposited in this Court towards compensation be invested in Fixed Deposit Receipts account in any Nationalized Bank for a period of two years or till decision of the first appeal, whichever is earlier with liberty to renew the same if required.

5. The civil application stands disposed of in above terms. No order as to the costs.

[K. K. SONAWANE]
JUDGE

rrd.