

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

910 CIVIL APPLICATION NO. 6797 OF 2015
IN FA/2229/2012

SULOCHANABAI BHAGWANRAO JADHAV
VERSUS
THE NEW INDIA ASSURANCE CO. LTD THR DIVISIONAL MANAGER AND
ANOTHER

...
Advocate for Applicant : Mr. Pawan K. Lakhotiya h/f Mr. B.R.Loya
Advocate for Respondents No. 1 : Mr. Mohit Deshmukh h/f
Mr. Mukul S Kulkarni
...

CORAM : K.K. SONAWANE, J.

DATED : 8th JUNE, 2018.

Order :-

1. Heard learned counsel for applicant and respondent No. 1. No one else turns up on behalf of respondent No. 2.
2. Present application is filed seeking permission to withdraw the amount deposited in this Court towards compensation awarded by learned Tribunal.
3. Learned counsel for respondent No. 1 - Insurance Company raised objection and shown inclination for final hearing of the appeal on merit at the earliest.
4. Learned counsel for the applicant submit that the impugned judgment and award passed in the year 2012, but upto this date no any amount has been received to the claimant by way of compensation.

5. Taking into consideration the facts and circumstances on record, there is no impediment to allow the applicant-claimant for withdrawal of 50% of the amount deposited in this court on behalf of the appellant Insurance Company on certain condition. It would sub-serve the purpose in the interest of justice. It would not cause any prejudice or injustice to other side.

6. Accordingly, the civil application is partly allowed. The applicant-original claimant is allowed to withdraw lump sum amount of Rs.3,00,000/- from the amount deposited in this Court on furnishing undertaking to the effect that, in case, any adverse situation arises, the applicant would refund the entire amount so withdrawn forthwith as per the directions of this Court. The rest of the balance amount deposited in this Court be invested in the FDR account in any Nationalized Bank for a period of two years or till decision of the appeal, whichever is earlier. Registry to do the needful for disbursement of amount as mentioned above.

7. Accordingly, civil application stands disposed of in above terms.

Sd/-
[K. K. SONAWANE]
JUDGE