

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

CIVIL APPLICATION NO. 8556 OF 2017

IN

FIRST APPEAL NO. 3 OF 2011

Vishwanath Pandurang Shrikhande (Deceased)

Through LR

Muktabai w/o Vishwanath Shrikhande.

Applicant.

Versus

ICICI Lombard General Insurance Co. & others.

Respondents.

Mr. Ajit M. Gholap, Advocate for the applicant.

Mr. S.S. Rathi, Advocate for respondent No.1.

Mr. M.M. Bhokrikar, Advocate for respondent Nos. 2 and 3.

CORAM : SUNIL K. KOTWAL,J.

Dated : 27 August 2018.

PER COURT :-

. Heard Learned Counsel for the applicant and respondents. First Appeal is also ready for final hearing. First Appeal is preferred against the order passed by the Tribunal awarding compensation under Section 140 of the Motor Vehicles Act. The compensation amount is already deposited in this Court. The main claim under Section 166 of the Motor Vehicles Act is pending before the Tribunal.

2. Though the learned Counsel for Insurance Company opposed for withdrawal of amount, considering the nature of the litigation, I feel it proper to allow withdrawal of the amount subject to following condition. Hence, the order.

3. Civil Application for withdrawal of amount is allowed.

4. The amount of Rs. 50,000/- (Rupees Fifty Thousand) deposited by the Insurance Company be paid to the applicant subject to filing undertaking by her within two weeks from today, for depositing the said amount, if directed by this Court.

5. Registrar (Judicial) to take necessary steps in this regard.

6. Civil Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

vdd/