

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

CIVIL APPLICATION NO. 5131 OF 2018
IN FA/1869/2018

NAGNATH DEORAO BACHA
VERSUS
NATIONAL INSURANCE COMPANY LTD. THR ITS BRANCH MANAGER

...
Advocate for Applicant : Ms. Pratibha J. Bharad.
Adv for Respondent No.1 : Mr. S. V. Kulkarni.

...
CORAM : K.K. SONAWANE, J.

DATED : 25th JUNE, 2018.

Order :-

1. Leave to implead the owner of vehicle as party respondent.
Amendment be carried out forthwith.
2. Heard learned counsel for the applicant and learned counsel for respondent No. 1- Insurance Company.
3. Admittedly, the applicant sustained serious injuries in the vehicular accident. The learned Tribunal after assessment of the circumstances on record granted compensation. In view of factual aspects there is no impediment to allow the applicants for withdrawal of 50% of the amount deposited in this Court. It would not cause any prejudice to the respondents, however, it would sub-serve the purpose. Therefore, the application deserves to partly allowed.
4. Accordingly, application stands partly allowed. The applicant is permitted to withdraw 50% of the amount deposited

in this Court on behalf of respondent - Insurance Company on condition of furnishing undertaking that he would refund the amount so withdrawn in case of any contingency arises in the appeal. Rest of the balance decretal amount deposited in this court be invested in the Fixed Deposit Receipts in any Nationalized Bank initially for a period of two years or till disposal of the first appeal, whichever is earlier with liberty to renew the same in future, if required.

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

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.