

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

941 CIVIL APPLICATION NO. 8554 OF 2018
IN FA/2281/2018 WITH CA/3714/2015 IN FA/2281/2018

SANDESH MADHAV TILEKAR THR G.P.A. MADHAV S TILEKAR
VERSUS
NEW INDIA ASSURANCE COMPANY LTD., THR ITS AUTHORIZED
SIGNATORY AURANGABAD AND ORS

...

Advocate for Applicants : Mr. Hon Ashwin V.
Mr. SS Dargad, Adv. h/for Mr. S. G. Chapalgoankar For
R/1.

CORAM : P.R. BORA, J.
DATED : 2nd November, 2018.

PER COURT:-

1. Heard learned counsel for applicant and learned counsel appearing for insurance company.
2. The applicant has prayed for permitting withdrawal of the entire amount, as has been deposited by the insurance company; whereas learned counsel appearing for the respondent insurance company has opposed for permitting any withdrawal on the ground that the policy itself is in doubt. The learned counsel for applicant submitted that no such defense was raised in the written statement, nor said contention is in any way substantiated by the insurance company by leading any positive evidence before the Tribunal. The learned counsel for the insurance company has submitted that there

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is serious doubt as about genuineness of the documents placed on record and the period of policy was different, and as such, the appeal needs to be heard finally and no withdrawal can be permitted at this stage.

3. After having considered the submissions and after having gone through the record of the case, I deem it appropriate to pass following order, -

ORDER

i. The applicant, at present, is permitted to withdraw a sum of Rs.10,00,000/- on submitting an undertaking to the satisfaction of the Registrar of this Court.

ii) Balance amount be invested in Fixed Deposit Receipt in any nationalized Bank, initially for the period of two years and if so required, for the further period till disposal of the appeal.

iii) The Civil Application stands disposed of.

4. Hearing of the appeal is expedited.

5. List the appeal for final disposal on 14th December, 2018.

(P.R. BORA)
JUDGE

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