

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

961 CIVIL APPLICATION NO. 7471 OF 2018  
IN FAST/11456/2018

SHARDA BHIRMAL MANE  
VERSUS  
NEW INDIA ASSURANCE CO. LTD., THR BRANCH MANAGER,  
AHMEDNAGAR AND ANR

...  
Advocate for Applicant : Mr. Avinash D. Aghav  
Adv. for Respondent 1: Mr. M.R. Deshmukh  
...

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

**DATED : 19<sup>th</sup> JUNE, 2018.**

**Order :-**

1. Heard learned counsel for the applicant and respondent - Insurance Company. Despite service, no one else turned up on behalf of respondent No. 2.
2. Mr. Deshmukh, learned counsel for respondent No. 1 - Insurance Company submits that the learned Tribunal did not appreciate the facts and circumstances on record in its proper perspective. The possibility of involvement of other vehicle in the present accident cannot be ruled out. Moreover, quantum of compensation amount determined by the learned Tribunal is also put into controversy in this appeal. In such circumstances, he raised objection for allowing the applicant to withdraw the entire compensation amount deposited in this court.
3. In view of aforesaid submission and factual score of the matter, it would be justifiable to allow the applicant to withdraw some of the portion of decretal amount deposited in this Court. It would sub-serve the purpose in the interest of justice. Therefore, the application deserves to be allowed.

4. Accordingly, application stands allowed partly. The applicant is hereby permitted to withdraw a lump sum amount of Rs. 10,00,000/-(Rupees Ten Lakhs) from the amount deposited in this Court towards compensation subject to condition, on furnishing undertaking to the effect that the applicant would refund the amount so withdrawn, in case, any contingency arises in this appeal. Rest of the balance amount be invested in any Nationalized Bank for a period of two years or till disposal of the 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 costs.

**[ K. K. SONAWANE ]**  
**JUDGE**

MTK.