

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

913 CIVIL APPLICATION NO. 9817 OF 2018
IN FAST/24769/2017

UTTAM BAPURAO HOLE
VERSUS
VASANT GANPAT SHINDE AND ORS

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Advocate for Applicant : Mr Patnurkar V.D.
Advocate for Respondent no.3 : Mr.A. S. Usmanpurkar

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CORAM : SUNIL K. KOTWAL, J.

DATE : SEPTEMBER 6, 2018

O R D E R :

Heard learned counsel for the applicant original claimant and learned counsel for the insurance company.

2. Insurance Company opposes this application after making submissions on merits. However, at this stage, it is not desirable to express anything on merits of the matter.

3. Considering the nature of litigation and in view of deposit of amount of Rs. 12,25,332/-, it is desirable to permit the applicant to withdraw at least 50 per cent of the amount deposited, subject to

following conditions.

Civil Application is allowed.

The applicant is permitted to withdraw 50 per cent amount of the deposited amount, subject to filing written undertaking, within four weeks from the date of this order, in First Appeal that he will re-deposit the withdrawn amount as and when directed by this Court.

Civil Application is disposed of.

[SUNIL K. KOTWAL, J.]

dbm