

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

954 CIVIL APPLICATION NO. 13628 OF 2018  
IN FA/863/2018 WITH CA/2924/2018 IN FA/863/2018

NIRMALA PRAKASHRAO PATIL (PAWAR) THR NEXT FRIEND  
PRAKASH JAGGANATHRAO PATIL (PAWA  
VERSUS  
PRAKASH BADRINARAYAN LAHOTI AND ORS

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Advocate for Applicant : Mr. Kolpe Mahendra B.  
Mr. D. J. Patil, Adv. For R/1.

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**CORAM : P.R. BORA, J.**

**DATED : 2<sup>nd</sup> November, 2018.**

**PER COURT:-**

1. Heard learned counsel for applicant and learned counsel for respondent.

2. The offending vehicle was admittedly not insured and the Award has been passed against the owner of the vehicle. It is the case of the appellant owner that he had sold the offending vehicle long back and the same was also transferred by the person, who had purchased from him. The learned counsel submitted that the transferee owner has been made party in the petition. It is further contended that without there being any evidence as about disability incurred by the petitioner, exorbitant amount has been awarded by the Tribunal. In the circumstances, the application is opposed by the respondent owner.

(2)

3. Perused the impugned judgment and the grounds of objections raised in exception to the aforesaid judgment. In view of the above, following order is passed,

ORDER

i) The applicant is permitted to withdraw Rs. 2,00,000/- from the deposited amount, 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.

**(P.R. BORA)**  
**JUDGE**

bdv