

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

**973 CIVIL APPLICATION NO. 13566 OF 2018  
IN FA/1132/2018 WITH CA/4236/2018 IN FA/1132/2018**

**SACHIN PANDURANG KAWALE  
VERSUS  
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS BRANCH  
MANAGER, AURANGABAD AND ORS.**

...  
Advocate for Applicants : Shri Ankush N. Nagargoje  
Advocate for Respondent No.1 : Shri S. G. Chapalgaonkar

...  
**CORAM : P.R.BORA, J.**  
**DATE: 1<sup>st</sup> November, 2018**

**PER COURT:-**

1 Heard Shri A.N.Nagargoje, learned Counsel for the applicant and Shri S.G.Chapalgaonkar, learned Counsel appearing for the respondent Insurance Company.

2 The respondent Insurance Company has opposed for withdrawal of amount on the ground that the involvement of the insured vehicle in the alleged accident is disputed. While insisting for final hearing of the matter, it is submitted by the learned Counsel that the amount may not be permitted to be withdrawn.

3 I have gone through the impugned Judgment as well as other material on record. Though objection is raised as about involvement of the insured vehicle in the alleged accident, it appears that sufficient evidence has been brought on record by the claimant showing involvement of the insured vehicle in the alleged accident. However, keeping this issue open for agitation at the time of final hearing of the matter, applicant is permitted

to withdraw 50% of the deposited amount on submitting an undertaking to the satisfaction of the Motor Accident Claims Tribunal at Beed. Balance 50% of the deposited amount be invested in Fixed Deposit Receipt in any Nationalized Bank for the period till disposal of the appeal.

4 Amount deposited in this Court be transmitted to Motor Accident Claims Tribunal, Beed, to facilitate the withdrawal of the amount by the claimant.

5 The Motor Accident Claims Tribunal, Beed, shall forward the undertaking given before it by the claimant to this Court.

6 Civil application for withdrawal of amount stands disposed of.

7 Call Record and Proceedings.

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

SPT

