

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 522 OF 2018
WITH
CIVIL APPLICATION NO. 523 OF 2018
IN
FIRST APPEAL (ST.) NO. 2785 OF 2018**

Bajaj Allianz General Insurance
Company Limited .. Applicant/Appellant
Vs.
1. Khawde Vasant Tippianna & Ors. .. Respondents

**WITH
CIVIL APPLICATION (ST.) NO. 12831 OF 2018
IN
FIRST APPEAL (ST.) NO. 2785 OF 2018**

1. Khawde Vasant Tippianna .. Applicant

In the matter between :

Bajaj Allianz General Insurance
Company Limited .. Appellant
Vs.
1. Khawde Vasant Tippianna & Ors. .. Respondents

Mr.Sarthak S. Diwan, Advocate for applicant/appellant.

Mr.Umesh H. Pawar, Advocate for respondent No.1.

**CORAM : A.S. CHANDURKAR, J.
DATE : 21ST NOVEMBER 2018**

P.C.

CIVIL APPLICATION NO. 522 OF 2018

1 Considering the reasons mentioned in the application which are found to be acceptable, the delay in filing the appeal stands condoned.

2 The civil application is disposed of.

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3 As the applicant has deposited the entire amount of compensation as
awarded by the Claims Tribunal, the execution of the Award passed by the
Claims Tribunal shall remain stayed during the pendency of the appeal.

4 The civil application is disposed of.

FIRST APPEAL (ST.) NO. 2785 OF 2018

5 The learned counsel for the appellant submits that the appeal has
been filed raising limited challenge.

6 Issue notice for final disposal of the appeal, returnable on 28th
January 2019.

7 The learned counsel waives notice on behalf of respondent No.1. The
appellant to file notes of evidence on record by the said date.

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8 By this application, the original claimant seeks permission to
withdraw the amount of compensation as deposited by the appellant.

9 Perused the impugned judgment. Though the prayer for withdrawal

is opposed by the learned counsel for the appellant, *prima-faice*, considering the nature of evidence on record, the claimant is permitted to withdraw 50% of the amount of compensation deposited, subject to filing an undertaking within a period of four weeks from today that in case, the appeal is allowed, the amount withdrawn as per the Court's directions, shall be repaid with interest at such rate the Court may direct.

10 The civil application stands disposed of

(A.S. CHANDURKAR, J.)