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

**CIVIL APPLICATION NO. 2644 OF 2018
IN
FIRST APPEAL (STAMP) NO. 12939 OF 2017**

Vaibhav Raju Rupnar .. Applicant

In the matter of

United India Insurance Co. Ltd. .. Appellant

Vs.

Vaibhav Raju Rupnar & Ors. .. Respondents

Mr. Ketan Joshi for the Applicant.
Mr. T. S. Ingale for the Respondent.

CORAM : K. K. SONAWANE, J.
DATE : 26th JULY, 2018.

P. C. :

1. Heard learned Counsel for the applicant-original claimant and learned Counsel for the respondent-Insurance Company. Perused application.

2. The applicant-original claimant preferred the present application seeking permission to withdraw the compensation amount of Rs.32 lakhs approximately deposited by the Insurance Company before the learned M.A.C.T., Sangli.

3. In view of reasons mentioned in the application as well as grounds raised on behalf of appellant-Insurance Company in the appeal, I find it

just and proper to allow the applicant for withdrawal of lumpsum amount of Rs.30 lakhs from the amount deposited in the M.A.C.T., Sangli by the appellant-Insurance Company. It would subserve the purpose in the interest of justice. The learned Counsel for the applicant submits that the sole applicant now attained the age of majority. Therefore, there is no impediment to allow the application.

4. Accordingly, the Civil Application stands allowed partly. The applicant-original claimant is hereby permitted to withdraw the lumpsum amount of Rs.30 lakhs from the decretal amount deposited before the M.A.C.T., Sangli on behalf of respondent-Insurance Company in M.A.C.P. No. 118 of 2013. The applicant shall withdraw the amount subject to condition that he shall furnish undertaking to refund the amount so withdrawn forthwith in case any contingency arises in the appeal. Rest of the decretal amount be invested in Fixed Deposits account in any nationalized bank for a period of two years or till the decision of present appeal on merit whichever is earlier with liberty to renew the FDR in future, if required.

5. It is stipulated that from the amount of Rs.30 lakhs allowed to be withdrawn by the applicant-Vaibhav Raju Rupnar. The total sum of Rs.23 lakhs be invested in FDR account in the name of applicant-original claimant for a period of six years. Rest of the balance amount of Rs.7

lakhs be disbursed in favour of applicant on furnishing undertaking as mentioned above.

6. In view of the above, the Civil Application stands disposed of. The concerned Registrar of M.A.C.T., Sangli to do the needful for compliance of the aforesaid directions and to file the report in this Court at the earliest.

Arjun
Machhindra
Kadam

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by Arjun
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Date:
2018.07.31
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[K. K. SONAWANE, J.]