

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

**1027 CIVIL APPLICATION NO.7246 OF 2019
IN FA/46/2017**

**AMOL SHANKARRAO RITHE
VERSUS
NATIONAL INSURANCE CO. LTD, THR ITS AUTHORIZED OFFICER,
AND ORS**

...
Advocate for Applicant : Mr. Gangakhedkar Shailendra
Advocate for Respondent No.1 : Mr. S. R. Bobade
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 19th JULY 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.2,75,944/- has been deposited. Learned Advocate for present respondent Nos.1 and 2/original appellants has strong objection for withdrawal of the amount on the ground that the appeal has been filed challenging the liability to pay the compensation by the Insurance Company as has been held liable by the tribunal so also on the point of quantum.

2. Taking into consideration the fact that the competent Court has come to a certain conclusion and held the Insurance Company liable to pay the compensation jointly and severally with the owner, case is

made out for the partial withdrawal of the amount. Applicant is allowed to withdraw amount of Rs.1,00,000/- subject to giving an undertaking that he would make the said amount good, if directed at the time of final disposal of the appeal.

3. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/