

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

**957 CIVIL APPLICATION NO.4579 OF 2019
IN FA/614/2019**

**SHAMSUNDAR VALJNATH JAWANJAL
VERSUS
ASHOK DEVRAO KOHLE AND ANR**

...
Advocate for Applicant : Mr. Deshmukh Mohit R.
Advocate for Respondent No.2 : Mr. A.G. Choudhari
...

**CORAM : SMT. VIBHA KANKANWADI, J.
DATE : 28th JUNE 2019**

ORDER :

1. Present application has been filed for withdrawal of the amount. Amount of Rs.14,08,816/- has been deposited. The appeal has been filed by present respondent No.2 stating that the claimant had taken contrary stand than the police papers and the claimant was the occupant of the said vehicle against whom the claim is filed. At this stage it appears from the record that the claimant had come with the case of composite negligence of the driver who was driving the vehicle in which he was travelling and then led the independent evidence which has been accepted by the learned Tribunal. Under such circumstance, at this stage, though the appeal is pending, case is made out for partial withdrawal of the amount.

2. Applicant is allowed to withdraw amount of Rs.7,00,000/- subject to submitting undertaking within a period of eight weeks that he would make the said amount good, if directed at the time of final disposal of the First Appeal.

3. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/