

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

**985 CIVIL APPLICATION NO.7285 OF 2019
IN FA/1116/2019**

**HAJI MALANG BABU PATHAN
VERSUS
M/S. SHRIRAM GENERAL INSURANCE CO. LTD. AND ANR**

...
Advocate for Applicant : Mr. Choudhari Sushant B
Advocate for Respondent No.1 : Mr. S.S. Dargad h/f Mr. S.G.
Chapalgaonkar
Advocate for Respondent No.2 : Mr. V.B. Deshmukh
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present application has been filed by the original claimant for withdrawal of the amount. Amount of Rs.10,78,601/- has been deposited towards the award by respondent No.1. Learned Advocate for respondent No.1 submits that the appeal has been filed mainly on two grounds one is that there was no functional disability to the claimant and secondly, the driver of the offending vehicle was not holding valid and effective driving license on the date of the accident.

2. At this stage, a competent Court has come to a conclusion and passed the award holding the insurance company responsible jointly and severally to pay the amount of compensation. Under such circumstance, case is made out for partial withdrawal of the amount.
3. Further taking into consideration the points of appeal, those have been raised, the applicant is allowed to withdraw amount of Rs.7,00,000/- subject to filing an undertaking that he would make the said amount good, if directed at the time of final disposal of the appeal.
4. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM