

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

**964 CIVIL APPLICATION NO.7031 OF 2019
IN FAST/6721/2019**

SURYAKANT BABURAO KAMBLE AND ORS

VERSUS

UDDHAV PRALHADRAO BARSOLE AND ORS

...

Advocate for Applicants : Mr. Bobade Yogesh K

Advocate for respondent No.1 : Mr. S.R. Shirsat

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21st JUNE 2019

ORDER :

1. Present application has been filed for withdrawal of the amount. Amount of Rs.3,30,229/- has been deposited by present respondent No.1. The appeal has been filed by respondent No.1 on the ground that the matter proceeded ex-parte against him and no proper opportunity has been given to him to contest the matter, challenging the quantum, involvement of the vehicle.

2. Taking into consideration the fact that the appellant had not challenged the claim, but now in this appeal he is coming with the case that

opportunity was not given to him. The said point deserves to be considered at the time of final hearing. But when on the basis of evidence, tribunal has come to the conclusion about the involvement of the vehicle and then saddled the compensation on respondent No.1, case is made out for partial withdrawal of the amount by the applicants. Hence, applicants are allowed to withdraw the amount of Rs.40,000/- each by filing an undertaking that they would make the said amount good, if directed at the time of final disposal of the appeal.

3. Civil Application stands disposed of.

(Smt. Vibha Kankanwadi, J.)

Shubham/