

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

**1034 CIVIL APPLICATION NO.6938 OF 2019
IN FA/4559/2017**

**MOHAMMAD RAIS KHAN S/O SADULLAH KHAN
VERSUS
SHAIKH JILANI S/O SHAIKH AHMED AND ANOTHER**

...
Advocate for Applicant : Mr. Pathan Hamzakhan I.
Advocate for Respondent No.1 : Mr. A. G. Kanade
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11th OCTOBER, 2019.

ORDER :

. Present application has been filed by the original claimant for withdrawal of entire amount as per modified award. In the modified award, this Court had directed the insurance company to pay compensation of Rs.21,03,149/- together with interest and accordingly, now though review has been filed, the insurance company has deposited amount of Rs.25,65,559/-

2. Learned Advocate appearing for the insurance company has raised strong objection on the ground that that the review has been filed to reconsider the judgment and order passed by this Court and the stay has

been granted to the modified award.

3. Though the award has been modified, definitely, case is made out for allowing the applicant to withdraw partial amount. Therefore, taking into consideration the interest of both the parties, at this stage, the applicant is allowed to withdraw amount of Rs.7,00,000/-.

4. Applicant shall file an 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 appeal.

5. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM