

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

**976 CIVIL APPLICATION NO.7268 OF 2019
IN FA/184/2019**

**MANGAL BANDU BANKAT
VERSUS
L AND T INSURANCE CO. LTD., THR ITS MANAGER, PUNE AND ORS**

...
Advocate for Applicants : Mr. Gore Ravindra Vitthal
Advocate for Respondent No.1 : Mr. M.R. Deshmukh
Advocate for Respondent Nos. 2 & 3 : Mr. M.L. Kolhe
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 28th JUNE 2019

ORDER :

1. Present application has been filed for withdrawal of the amount. Amount of Rs.13,22,300/-has been deposited. It has been submitted on behalf of the respondent that the applicant had suffered only fracture injury and the disability was to the extent of 25% however, the learned Tribunal has taken it as 100% financial loss and then calculated the amount which is very much excessive.

2. Taking into consideration these points and since the appeal is filed challenging the said quantum, it is necessary to protect the interest of the appellant also. Hence, the applicant is allowed to withdraw amount of Rs.7,00,000/- subject to filing an undertaking within a period of eight weeks that she 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/