

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

**913 CIVIL APPLICATION NO.12365 OF 2018
IN FAST/6839/2018**

**TAJUNISA RAZZAK SAYYAD
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER AND ORS**

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Mr. Ram S Shinde (Borolkar), Advocate for the applicant

Mr. S.G. Chapalgoankar, Advocate for the respondent No.1

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 07th JUNE, 2019

PER COURT :

1 Heard both sides. The learned Advocate appearing for respondent No.1-original appellant submits that in the appeal the ground that has been taken is about the non involvement of the vehicle insured with it. It has been contended that the said vehicle has been later on introduced and involved in the accident and therefore, the respondent No.1 is objecting to the withdrawal.

2 Perusal of the Award, at this stage, would show that the vehicle insured with the appellant has been proved to have been involved in the accident. Further, the compensation that was awarded in all was

Rs.4,18,000/- together with interest and while staying the execution of the award condition was put and accordingly as per the said condition amount of Rs.6,26,000/- has been deposited. Thereafter, at this stage, the case is made out for partial withdrawal of the amount. Taking into consideration the various heads under which the compensation has been awarded, it would be just and proper to allow the applicant to withdraw amount of Rs.3,00,000/-, subject to filing an undertaking with this Court within 15 days from the date of this order, that in case the appeal is allowed he would make good that amount. Accordingly, application is disposed of.

(Smt. Vibha Kankanwadi, J.)

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