

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

**CIVIL APPLICATION NO.7164 OF 2019
IN
FIRST APPEAL (ST) NO.1252 NO.2019**

**SUDHAKAR HUSEN GHADGE
VERSUS
THE STATE OF MAHARASHTRA THR THE S.P. BEED AND ANR**

...
Mr. A.D. Aghav, Advocate for applicant
Mr. A.P. Basarkar & Shaikh Farid, Advocate for respondent No.2.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 26th JULY 2019

ORDER :

. Present application has been filed by respondent No.1/original claimant for withdrawal of the amount. Amount of Rs.2,22,400/- has been deposited . Respondent No.1 is strongly objecting to the application for withdrawal of the amount on the ground that the appeal has been filed challenging the judgment and award and on the ground that proper opportunity was not given to the State to lead the evidence by learned Member Motor Accident Claims Tribunal.

2. At this stage, a competent Court has come to a certain conclusion and therefore, on the basis of the evidence, the compensation was computed. Therefore, taking into consideration the said aspect, case is made out for partial withdrawal of the amount. Applicant is

allowed to withdraw 50% of the deposited amount subject to giving undertaking that he 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/