

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

**1010 CIVIL APPLICATION NO.10405 OF 2019
IN FAST/41745/2017**

**BHAUSAHEB KARBHARI BANDIWAN
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., AND ANR**

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Advocate for Applicants : Mr. Karpe Rahul.
Advocate for Respondent No.1 : Mr. S.S. Dargad h/f Mr. S. G.
Chapalgaonkar

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Insurance Company has deposited amount of Rs.6,29,718/-. Learned Advocate appearing for the insurance company submits that the involvement of the vehicle insured with insurance company has not been proved at all. In fact, the nature of the injuries would show that he had fallen from height and then, sustained the injuries. Discharge card produced by the claimant himself shows about the said fact and therefore, the learned tribunal ought not to have allowed the petition considering the accident as motor vehicular accident.

2. At this stage, perusal of the impugned judgment would show that the said point which has been tried to be canvassed on behalf of the appellants was considered by the tribunal and thereafter, the application has been partly allowed. Under such circumstance, case is made out for partial withdrawal of the amount. Applicant is allowed to withdraw amount of Rs.3,00,000/- subject to filing 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.

3. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM