

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

**1064 CIVIL APPLICATION NO.10400 OF 2019
IN FA/1268/2019**

**BABITA W/O SHANKAR @ DATTA KHIRSAGAR
VERSUS
IFFCO TOKYO GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, LATUR AND ORS**

...
Advocate for Applicant : Mr. Shinde-Borolkar Ram S.
Advocate for Respondent No.1 : Mr. V.N. Upadhye
Advocate for Respondent No.5 : Mr. Sayed Parvez Sayed Gani
Advocate for Respondent No.6 : Mr. S.G. Chapalgaonkar
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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 30th AUGUST, 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.43,280/- has been deposited apart from the statutory amount. The appeal has been filed challenging the involvement of the vehicle, belated F.I.R. and in the alternative the case ought to have been considered as of composite negligence. Therefore, taking into consideration the interest of both the parties, the applicant is allowed to withdraw amount of Rs.40,000/- 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.

2. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM