

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

**1025 CIVIL APPLICATION NO.11264 OF 2019
IN FA/2931/2019**

**BAPU BHAU SATHE
VERSUS
VIJAY GANGANDHAR KANGUDE AND ANR**

...
Advocate for Applicant : Mr. Kakade(Matkar) Savita Parmeshwar
Advocate for Respondent No.1 : Mr. R.B. Temak
Advocate for Respondent No.2 : Mr. A.G. Choudhari
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 4th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of amount. Amount of Rs.9,27,271/- has been deposited in this Court. Learned Advocate appearing for respondent No.2 strongly opposes the application on the ground that involvement of the vehicle itself was challenged before the tribunal and even the insurance company has laid evidence in support of the contents in the written statement. However, those have not been considered properly by the tribunal.

2. At this stage, a competent authority has given its finding. So far as the written statement filed by opponent No.1- registered owner of

the vehicle is concerned, it is also required to be considered. Hence, case is made out for partial withdrawal of the amount. Applicant is allowed to withdraw amount of Rs.4,50,000/-, 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