

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

**1020 CIVIL APPLICATION NO.10882 OF 2019
IN FA/767/2019**

**SALIM ASHRAF ALI THR GENEAL POWER OF ATTORNEY ASHRAF
VERSUS
ALIAS BAIG ANWAR BAIG MIRZA AND ANR**

...
Advocate for Applicant : Mr. Bhokarika Madhav M
Advocate for respondent No.1 : Mr. A.N. Ansari
Advocate for respondent No.2 : Mr. Dhananjay Deshpande
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. It is stated that in fact only partial amount has been paid as compared to the entire award. It is stated that amount of Rs.1,00,000/- has been deposited in this Court and Rs.40,000/- before the tribunal. The said amount has been deposited by the appellant i.e. present respondent No.1. The learned Advocate representing respondent No.1 submits that the appeal may itself be taken for final hearing.

2. In fact it is an appeal of 2019 and there are old matters pending, under such circumstance, the request cannot be taken into

consideration at this stage. Taking into consideration the fact that at present the insurance company is not held liable by the concerned tribunal and only the present respondent No.1 has been held liable, whatever amount has been deposited in this Court by respondent No.1 can be allowed to be withdrawn and therefore, applicant is allowed to withdraw the amount which has been deposited in this Court i.e. Rs.1,00,000/- as per order dated 07.09.2018 subject to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