

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

**65 CIVIL APPLICATION NO.11121 OF 2019
IN FAST/14684/2019**

**HARSHAL @ BANTI SURESH DESHMUKH
VERSUS
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH MANAGER,
AURANGABAD AND ORS**

...
**Advocate for Applicant : Bora Satyajit S.
S.S.Dargad h/f S. G. Chapalgaonkar For R/1
Adv.PPKothari for R.2.**

...
**CORAM : MANGESH S. PATIL, J.
DATE : 22.11.2019**

PC. :-

Heard both the sides. This is an application by the original claimant seeking withdrawal of the amount of compensation deposited by the insurance company while preferring the appeal.

2] The learned advocate for the insurance company submits that there is serious dispute as to involvement of the truck insured with it in the accident. There is delay of about a month in surfacing its name. The evidence before the Tribunal was not sufficient to disclose the identity of the offending vehicle and still it has been fastened with a liability.

3] The learned advocate for the applicant submits that at this juncture this Court may not go into all these aspects which can be determined while deciding the appeal. Being an injury claim the applicant may be allowed to

withdraw the amount.

4] Considering the fact that the matter will have to be decided threadbare at the fulfleged hearing and taking into account that it is a matter of injury claim, the applicant deserves to be paid 50% of the amount deposited in this Court subject to usual terms and conditions.

5] The application is allowed. The applicant is allowed to withdraw 50% of the amount of compensation deposited in this Court by furnishing usual undertaking.

[MANGESH S. PATIL, J.]

umg/