

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

**1043 CIVIL APPLICATION NO.11145 OF 2019
IN FA/3150/2016**

**SHAIKH LATIF SHAIKH YUSUF
VERSUS
THE NEW INDIA ASSURANCE CO. LTD.**

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Advocate for Applicant : Mr. Jadhavar Santosh S.
Advocate for respondent : Mr. Dhananjay P. Deshpande

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 20th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.4,60,045/- has been deposited. Learned Advocate appearing for the insurance company raises strong objection for allowing the application on the grounds that the involvement of vehicle itself is in dispute, the number of the offending vehicle in police papers is different and even the owner and driver of the offending vehicle have disputed the accident.

2. It is to be noted that the claimant is an injured witness, who himself is an eye witness and at this stage competent Court had come to

the conclusion about the involvement of the vehicle and then, assessed the quantum. Under such circumstance, definitely, the case is made out for partial withdrawal of the amount.

3. Applicant is allowed to withdraw amount of Rs.2,00,000/- 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.

4. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM