

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

**1017 CIVIL APPLICATION NO.3611 OF 2019
IN FA/802/2018**

**CHAMPALAL RAGUNATH PATIL
VERSUS
THE ORIENTAL INSURANCE CO. LTD.,**

...
Advocate for Applicant : Mr. Patil Shrikant S.
Advocate for Respondent : Mr. R.F. Totala

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 4th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.9,13,324/- has been deposited by the present respondent in this Court.

2. Perusal of the appeal memo would show that the appeal has been filed mainly on the point of non-joinder of necessary parties and the liability of the appellant-insurance company to pay the compensation.

3. Perusal of the impugned judgment would show that a specific issue was also raised as to whether the petition was bad in non joinder of necessary parties and the finding is given in the negative. Under such

circumstance, when a competent Court held the appellant liable to pay compensation, at this stage, definitely, case is made out for partial withdrawal of amount. Hence, the applicant is entitled to withdraw amount of Rs.4,50,000/- .

4. Applicant shall file 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.

5. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM