

(1)

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

**932 CIVIL APPLICATION NO.5454 OF 2021
IN FAST/39767/2019**

**SHAIKH MOINODDIN SHAIKH ASABODDIN
VERSUS
BHARTI AXA GENERAL INSURANCE CO. LTD., THR ITS
LEGAL OFFICER, PUNE AND ANOTHER**

...
Advocate for Applicant : Mr. Shirsat Suhas R.
Mr. RH Dahat and Mr. SS Patil, Adv. For Resp.No.1;.

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 17th June, 2021.

PER COURT :-

1. Present application has been filed for withdrawal of the amount that has been deposited by the insurance company.
2. Heard both sides.
3. Learned Advocate for the insurance company has strong objection. It is said that the appeal is filed on the point of quantum as well as disability that has been wrongly considered by the Tribunal, so also the breach of terms and conditions.
4. The amount that has been deposited is Rs. 1,96,452/-. Taking into consideration the points raised, there is no hurdle in allowing partial withdrawal. The applicant is allowed to withdraw an amount of Rs.

(2)

1,75,000/-.

5. The 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.

6. The Civil Application stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV