

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3911 OF 2020 IN
FIRST APPEAL NO. 2398 OF 2020

Sudam S/o Zungaji Todmal

.. Applicant

Versus

The Oriental Insurance Company Ltd.,
Through its Divisional Manager,
Aurangabad and others

.. Respondents

...

Mr. R.S. Kasar, Advocate for applicant
Mr. A.G. Kanade, Advocate for respondent no. 1

...

CORAM : ANIL S. KILOR, J.
DATE : 24-03-2021

ORDER :

1. This is an Application moved by the claimant for withdrawal of the amount deposited by the respondent no. 1 - Insurance Company. This Application was filed by the applicant on 03-03-2020. Till date, no reply has been filed by the Insurance Company to oppose the Application on any ground.

2. As far as the Appeal is concerned, this Court has passed a detailed order today showing the conduct of the learned counsel appearing for the Insurance Company who sought time to argue the matter though today, on the specific request of both the parties, the matter was fixed at 2:30 p.m. for final disposal.

3. As the Appeal has been adjourned for six (6) weeks, and looking to the need shown by the applicant in the Application, I propose to pass order on this Application.

4. After considering the reasons stated in the Application and having observed that no reply opposing the Application is filed by the Insurance Company, to balance the rights of the parties, at this stage the applicant is permitted to withdraw 50% of the amount deposited in this Court on furnishing undertaking to the effect that in case the Insurance Company succeeds in the present matter, he will refund back the amount as directed by this Court within stipulated period.

5. Accordingly, the Application is partly allowed on the above terms.
Civil Application disposed of.

[ANIL S. KILOR]
JUDGE

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