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

**FIRST APPEAL NO.1086 OF 2020
WITH
CIVIL APPLICATION NO.9370 OF 2021**

**DATTATRAY VISHWANATH SHOUNAK
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS
ADMINISTRATIVE OFFICER, AURANGABAD AND OTHERS**

....
Mr S.S. Rathi, Advocate for appellant (Respondent in C.A.);
Mr P.N. Kalani, Advocate for respondent no.1 (Applicant in C.A.)

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 9th September, 2021

PER COURT:

1. Office to send reminder to the Motor Accident Claims Tribunal, Hingoli, to immediately transmit the R & P in M.A.C.P. No.332 of 2012, decided on 02.11.2019.
2. Insofar as the Civil Application for withdrawal of amount, we have considered the extensive submissions of the learned Advocates for the respective sides.
3. The learned Advocate for the appellant Insurance Company has opposed the withdrawal of the amount and submits that, at best, the Court may permit 25% withdrawal. The learned Advocate for the applicant submits that since the Court is likely to hear the appeal finally, 50%

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withdrawal may be permitted.

4. Having considered the circumstances in which the application has been filed, we are inclined to allow the applicant, being the father who survives the deceased Dr. Vipin Dattatray Shounak, Medical Officer in Government Hospital at Shegaon, District Buldhana.

5. This application is partly allowed. We permit the applicant to withdraw 50% of the amount that was deposited in this Court by the appellant. This would not include interest that may have been generated after the amount is invested in fixed deposit receipts in a nationalized bank by the High Court. At the time of withdrawal of the amount, a recent colour photograph of the applicant, his latest address proof, his registered mobile number and a simple undertaking that if the appeal is decided against him and he is held dis-entitled for amount which he has withdrawn, he would deposit the same in this Court within eight weeks, shall be placed on record.

6. In the First Appeal, the appellant shall supply spare copies of the appeal paper-book for issuing notice to the unserved respondents, within one week. After the spare copies are supplied, office to issue notice to respondent nos.2, 3 and 4, returnable on 12.10.2021. Notice would indicate that the appeal would be heard finally.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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