

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

**912 CIVIL APPLICATION NO.3924 OF 2020
IN FAST/30449/2019**

**WAMAN SAMBHAJI PANCHAL
VERSUS
THE ORIENTAL INSURANCE CO. LTD., THR ITS DIV. MANAGER,
AURANGABAD AND ANR**

Mr.Shrimant Mundhe, Advocate for the applicant.
Mr.A.S. Deshpande, Advocate for respondent No.1.

**CORAM : N.J.JAMADAR,J.
DATE : 02.03.2021**

PC :-

01. Heard learned Counsel for the applicant and learned Counsel for respondent No.1-insurer.

02. The applicant seeks withdrawal of the amount deposited by respondent No.1-insurer in pursuance of judgment and award dated 09.04.2019 in MACP No.384 of 2012.

03. The learned Counsel for respondent No.1 resisted the prayer on the ground that there is substantive defence of breach of conditions of insurer.

04. Having regard to the quantum of amount and averments in the application, the prayer for withdrawal

is justifiable.

Hence, following order :-

The application stands allowed.

The applicant is entitled to withdraw 75% of the amount of the compensation, deposited by respondent No.1, on submission of an undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

[N.J.JAMADAR,J.]