

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.9 OF 2021
IN FAST/33497/2019

PRASAD MAHARU PATIL (DESALE)
VERSUS
NATIONAL ASSURANCE CO. LTD., THR ITS AUTHORIZED OFFICIAL
AURANGABAD AND ORS

...
Advocate for Applicant : Mr. Manish V. Bhamre
Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar
Advocate for Respondent No.5 : Mr. M.K. Goyanka

...
CORAM : ANIL S. KILOR, J.

DATE : 8th APRIL, 2021

PER COURT :-

This is an application moved by applicant-claimant for withdrawal of amount deposited by appellant-Insurance company.

2. Heard respective counsels appearing for the parties.

3. In the application, the applicant-claimant mentioned that he is in need of amount granted by the learned Tribunal towards compensation, therefore, he may be permitted to withdraw the same.

4. Though, the Insurance Company is served, no reply to the application for withdrawal of amount has been filed, opposing the prayer of claimant. However, learned counsel appearing for respondent-Insurance Company orally opposed the application and submits that in case the Insurance Company succeeds in the

present matter, it will be difficult for the Insurance Company to recover the amount from the claimant.

5. After considering the contents of application, I am of the opinion that, the cause of justice will be sub-served, if the applicant-claimant is permitted to withdraw 50% of the total amount, on furnishing undertaking to the effect that, in case, Insurance Company succeeds in the present matter and this Court directs the applicant-claimant to repay the amount back, he will deposit the amount so withdrawn within stipulated period.

6. Civil application is allowed in above terms and is disposed of accordingly.

(ANIL S. KILOR)
JUDGE

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