

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

CIVIL APPLICATION NO.8946 OF 2021 IN
CIVIL APPLICATION NO.12722 OF 2019 IN
FIRST APPEAL ST. NO.30612 OF 2019

Dipak s/o Baburao Darade

... **APPLICANT**

VERSUS

United India Insurance Co. Ltd. & ors.

... **RESPONDENTS**

.....

Mr. M.P. Kale, A.G.P. for applicant

Mr. A.B. Gatne, Advocate for respondent No.1.

.....

CORAM : R. G. AVACHAT, J.

DATE : 30th AUGUST, 2021

PER COURT :

Heard learned counsel for the parties. Learned counsel for the appellant Insurance Company strongly objects to permit withdrawal of the amount in deposit. Learned counsel narrated the facts and ultimately submitted that, it is a case of exclusive negligence or rashness on the part of the tempo driver.

2. The injured is a 12 year old boy. The Tribunal has found it to be a case of composite negligence. The award prima facie stands until the appeal is finally heard and disposed of. In view of the same, the applicant is permitted

to withdraw a sum of Rs.1,75,000/-. Learned counsel for the appellant Insurance Company urged for directions to the applicant to give some solvent security. The same cannot be accepted since the applicant is a minor. Hence, the applicant is permitted to withdraw the amount of Rs.1,75,000/- on furnishing usual undertaking. Civil Application is disposed of.

**(R. G. AVACHAT)
JUDGE**

fmp/-