

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

**CIVIL APPLICATION NO. 10137 OF 2021
IN
FIRST APPEAL (ST) NO. 30706 OF 2019**

Malhari Gangadhar Waghmode

..APPLICANT

VERSUS

Vedant Tours and Travels
Through it's Proprietor
Kiran S. More and Others

..RESPONDENTS

....

Mr. V.B. Jagtap, Advocate for applicant
Mr. R.F. Totala, Advocate for respondent no.3

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**CORAM : R.G. AVACHAT, J.
DATED : 13th OCTOBER, 2021**

PER COURT :

1. Heard.

2. Sum of Rs.24 lakh has been awarded as compensation. The applicant has been permitted to withdraw only Rs.8 lakh. The appeal is said to have been filed on the question of quantum and breach of terms and conditions of the insurance. As such, even if the appellant is succeeded in appeal, order like 'Pay and Recover' may be passed. So far as regards question of quantum is concerned, 40% of the amount under the impugned award could be reserved therefor.

3. In the fitness of things, the applicant is permitted to withdraw 60% of the amount in deposit, including the amount which has already been withdrawn, on submitting usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount be invested in fixed deposit with any of the nationalised bank, pending the appeal. Civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD