

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

**CIVIL APPLICATION NO. 13135 OF 2019
IN
FIRST APPEAL STAMP NO. 24990 OF 2017**

Venkati Datta Waghmare ... Applicant
Versus
The New India Insurance Company Ltd. & Anr. ... Respondents

....
Mr. H. I. Pathan, Advocate for applicant
Mr. S. G. Chapalgaonkar, Advocate for respondent No.1
....

CORAM : R. G. AVACHAT, J.

DATED : 10th DECEMBER, 2021

PER COURT :-

. Heard.

2. Learned Advocate for the respondent No.1 – Insurance Company opposed for withdrawal of the amount on the ground that the applicant – injured was travelling in goods vehicle. There were four other claims arising out of the same accident. The appellant – Insurance Company has been exonerated from its liability. It is not known whether those awards have been under challenge in appeal.

3. Learned Advocate for the applicant could not point out that the applicant was travelling as owner or representative of the owner of the goods. As such, the appellant – Insurance Company appears to have a good case in appeal. However, it will take long time to come up the appeal for hearing.

4. Out of solace, the applicant is permitted to withdraw a sum of Rs.40,000/- as against undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. There shall be no further application for withdrawal of the amount, pending the appeal.

6. The civil application is accordingly disposed of.

[R. G. AVACHAT, J.]

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