

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

**CIVIL APPLICATION NO.2769 OF 2020
IN
C.A. NO.3006 OF 2009 IN F.A.ST. NO.4885 OF 2019
(New India Assurance Company Ltd.
Vs.
Ashish Vimalkant Pande and ors.)**

Mr.S.G.Chapalgaonkar, Advocate for applicant
Mr.Amol Gandhi, Advocate h/f. Mr.P.S.Mehta, Advocate for
respondent no.1

**CORAM : R.G. AVACHAT, J.
DATE : JULY 09, 2021**

ORDER :-

Heard.

2. For the reasons given in the application, the same is
allowed in terms of prayer clauses (B), (C) and (D).

3. One week's time is granted to deposit the amount of
cost of Rs.1,000/- pursuant to the order dated 02.03.2020.

[R.G. AVACHAT, J.]

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

**CIVIL APPLICATION NO.4179 OF 2019
IN F.A.ST. NO.4885 OF 2019
(Ashish Vimalkant Pande
Vs.
New India Assurance Company Ltd.)**

Mr.Amol Gandhi, Advocate h/f. Mr.P.S.Mehta, Advocate for applicant
Mr.S.G.Chapalgaonkar, Advocate for respondent

**CORAM : R.G. AVACHAT, J.
DATE : JULY 09, 2021**

ORDER :-

Heard learned counsel for the parties.

2. Learned counsel for the respondent-insurance company (original appellant) has made out a strong case in the appeal.

3. The health condition of the applicant/injured is precarious. Considering his health condition, on equitable ground only, I am permitting him to withdraw Rs.5,00,000/- (Rupees Five Lakhs), on condition that no further application for withdrawal of amount shall be preferred, pending the appeal. The withdrawal of amount shall be on furnishing an undertaking to the

satisfaction of learned Registrar (Judicial) of this Court.

4. The order permitting withdrawal of amount shall not be construed to have made any observation about merit in favour of applicant. It is again observed that the insurance company appears to have a very good defence.

5. The application stands allowed and disposed of accordingly.

[R.G. AVACHAT, J.]

KBP