

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

18 CIVIL APPLICATION NO.6884 OF 2022

IN

FA/2815/2021

RAMESH VITHALRAO SAMUDRE

VERSUS

SALIMPASHA AMIRPASHA SAYYED AND OTHERS

...

Advocate for Applicant: Mr. Manoj Shinde h/f.

Mr. Sarawade Patil Dattatray D.

Advocate for Respondent No.3: Mr. S. S. Patil

...

CORAM: SHRIKANT D. KULKARNI, J.

DATE: 02nd MAY, 2022

PER COURT:

1. It is an application for withdrawal of compensation amount moved by the applicant / injured. Heard Mr. Manoj Shinde, learned Counsel holding for Mr. Dattatray D. Sarawade Patil, learned Counsel for the applicant and Mr. S. S. Patil, learned Counsel for Respondent No.3 / Reliance General Insurance Company Ltd. who has preferred the appeal against the impugned judgment and award passed by the Tribunal.

2. Mr. Manoj Shinde, learned Counsel holding for Mr. Dattatray D. Sarawade Patil, learned Counsel for the applicant seeks leave to place on record

the copy of the order passed by this Court in Civil Application No. 12927 of 2021 in First Appeal No.1027 of 2021.

3. Leave granted.

4. The copy of the order is placed on record and marked "X" for the purpose of identification. He submitted that this Court(Coram:R. G. Avachat, J.) under order dated 15.12.2021 which is marked as "X", pleased to allow the claimant to withdraw Rs.11,00,000/- on furnishing usual undertaking.

5. It is revealed during the course of argument that there was accident between 2 vehicles. One vehicle is registered in the State of Karnataka and another vehicle is registered in the State of Maharashtra. The tribunal has fastened the liability to pay the compensation on both the insurance companies in respect of 2 different vehicles involved in the accident. In Civil Application No.12927 of 2021 the applicant / injured is allowed to withdraw 50% of the amount of compensation with accrued interest thereon in view of order dated 15.12.2021. In pursuance of the order passed by this Court in Civil Application No.12927 of 2021, the applicant injured has withdrawn amount of Rs.11,00,000/- on furnishing usual undertaking with the Registrar (Judicial) of this Court.

6. Now, the question is about withdrawal of compensation deposited by another insurance company i.e. Reliance General Insurance Company Ltd. I am of the view to allow the applicant / injured to withdraw 50% of the amount in deposit which would take care of the interest of the insurance company and the applicant / claimant as well.

ORDER

(I) The application is hereby allowed as under-

(a) The applicant / claimant is hereby permitted to withdraw 50% of the amount in deposit with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.

(b) Remaining 50% of the amount of compensation deposited by the insurance company shall be invested in Fixed Deposit account in any Nationalized Bank initially for a period of 1 year with renewal clause.

(II) The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]