

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

**CIVIL APPLICATION NO.11269 OF 2022
IN FA/1870/2021 WITH CA/9357/2021 IN FA/1870/2021**

**POONAM BHASKAR KHUTAL
VERSUS
THE RELIANCE GENERAL INSURANCE CO. LTD., THROUGH
THE GENERAL MANAGER, AHMEDNAGAR AND OTHERS**

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Mr. M.R. Sonawane, Advocate for the applicant.
Mr. R.H. Dahat, Advocate for respondent No.1.
Mr. Mohit Malpani, Advocate for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 05.08.2022.

ORDER:-

1. Heard. The applicant i.e. the original claimant is seeking withdrawal of entire amount of Rs. 13,91,025/- with the accrued interest thereon which has been deposited by respondent No.1 / original - appellant Insurance Company. It appears from the office note that respondent No.3, who is the owner of offending vehicle, is reported dead.

2. However, the Insurance Company appears to have filed this appeal feeling aggrieved by the quantum granted by the learned Tribunal. Under such circumstances, the matter appears to be in between claimant and the Insurance Company only in respect of quantum. In such circumstances,

to safeguard the interest of both the contesting parties, 50% of the deposited amount can be given to the applicant – claimant by way of an interim arrangement, till disposal of the appeal. Hence, the following order is passed.

ORDER

- (i) The applicant -claimant is allowed to withdraw 50% of the deposited amount of compensation alongwith the interest accrued thereon, on furnishing usual undertaking before the Registrar (Judicial) of this Court.
- (ii) The remaining amount be invested in F.D.R. in any Nationalized Bank till final disposal of this appeal.
- (iii) Needless to say, the Insurance Company to take steps against the deceased respondent No. 3 - owner of the offending vehicle.
- (iv) The Civil Application stands disposed of.

(SANDIPKUKAR C. MORE, J.)