

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

**CIVIL APPLICATION NO.11427 OF 2022
IN FA/407/2021**

**ARBAZ ABDUL RAZZAK PATEL THR HIS NEXT FRIEND
ABDULRAJJAK SAJAN PATEL
VERSUS
SAHEBRAO NANAJI NIKAR AND ANOTHER**

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Mr. Sk. Mazhar A. Jahagirdar, Advocate for the applicant .
Mr. V.N. Upadhye, Advocate for respondent No. 2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 17.08.2022.

ORDER:-

1. Heard the rival submissions. The applicant is claiming withdrawal of entire amount of the award which has been deposited by the respondent No.2 – Insurance Company i.e. original appellant.

2. The learned Counsel for the applicant submits that out of the total compensation amount around Rs. 23,00,000/- (Rupees Twenty Three Lakhs), the medical expenses were of about Rs. 11,00,000/- (Rupees Eleven Lakhs), which forms major part of the compensation.

3. The learned Counsel for respondent No. 2- Insurance Company strongly opposed the application on the ground that there was implant of vehicle which, in fact, never

involved in the accident. However, that is only the defence of appellant – Insurance Company, which would be decided on it's own merit.

4. At this juncture, at least 75% amount can be given to the applicant considering the huge medical expenses. Hence, following order is passed.

ORDER

- (i) 75% amount of the entire deposited amount by the appellant – Insurance Company be paid to the applicant by NEFT / RTGS / IMPS to his bank account, on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.
- (ii) The remaining amount be invested in F.D.R. in the name of applicant in any Nationalized Bank, till disposal of this appeal.
- (iii) The Civil Application is disposed of accordingly.

3. Stand over 12th October 2022.

(SANDIPKUMAR C. MORE, J.)