

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

**21 CIVIL APPLICATION NO.15954 OF 2022
IN RA/6/2022 IN FA/4559/2017**

**MOHAMMAD RAIS KHAN S/O SADULLAH KHAN
VERSUS
THE ORIENTAL INSURANCE CO., THRU ITS DIVISIONAL MANAGER
AND ANOTHER**

...
Advocate for Applicant : Mr. Pathan Hamzakhan I.
Advocate for Respondent No.1 : Mr. A.G.Kanade
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19.12.2022

PER COURT :

Heard rival submissions. The applicant -original claimant is seeking withdrawal of enhanced compensation amount with interest accrued which has been deposited by the respondent No. 1 - Insurance Company.

2. It appears that the first appeal is decided long back i.e. on 11.10.2018. Further the Review Application filed against that judgment by the Insurance Company had also been dismissed by this Court vide order dtd.18.10.2022 on the ground of maintainability. As such, there is no impediment to permit the applicant for withdrawal of the aforesaid amount. However, it seems that the deficit court fees

is yet to be paid by the applicant. Hence following order is passed :-

ORDER

(i) The applicant is permitted to withdraw the entire amount of enhanced compensation deposited by the respondent No.1 - Insurance in this Court along with the interest accrued thereon till date subject to condition that the applicant shall first deposit the requisite court fees within 3 weeks.

(ii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-