

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 1411 OF 2022
IN
FIRST APPEAL NO. 350 OF 2020

SBI General Insurance Company Ltd. thr. its Divisional Manager, Andheri (East), Mumbai

...VERSUS...

Nilkanth Pundalik Bhatkar and ors.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms. Mrunal Naik, Advocate for appellant.

Shri P.S.Gawai, Advocate and Shri Pushkar Ghare, Advocate for respondent no. 1/
applicant.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 03rd August, 2022.

The present application is filed by respondent no. 1/applicant for grant of permission to withdraw the amount therein.

2. The appellant has deposited the entire amount of compensation before this Court. It is the contention of the respondent no. 1/applicant that he is a driver by profession. He met with an accident and suffered permanent disability. There is rod inserted in his leg, therefore, he cannot pursue his profession. In view thereof, he has applied for withdrawal of amount of compensation deposited by the appellant company.

3. The learned counsel appearing for the appellant vehemently opposed the application on the ground that respondent

no. 1 himself was negligent and the charge-sheet is filed against the driver of motorcycle i.e. respondent no. 1 as well as driver of car. It is a matter to be decided after final hearing.

4. At present, the purpose will be served by allowing the respondent no. 1/applicant to withdraw 50% of amount, on furnishing the undertaking to the effect that if the appellant succeed in the appeal, respondent no. 1 will refund the amount as per final order passed in First Appeal.

5. The Registry to disburse 50% of amount in the account of respondent no. 1/applicant.

6. Accordingly, the application is disposed of.

(Smt. M.S. Jawalkar, J.)