

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

**930 CIVIL APPLICATION NO.2289 OF 2023
IN FA/710/2020**

**ASHOK VASUDEO NAIKWADE
VERSUS
SHOLK TOURS AND TRAVEL PRO. SUNIL VASANT JADHAV DIED
THR LRS SUSHMA S JADHAV AND OTHERS**

...
Advocate for Applicant : Mr. Girish S. Rane
Advocate for Respondent No.5 : Mr. M.M.Ambhore
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 22.02.2023

PER COURT :

Heard rival submissions. The applicant is seeking withdrawal of remaining amount of compensation along with interest which has been deposited by the appellant -Insurance Company. The learned counsel for the Insurance Company strongly opposed the application on the ground that this is second withdrawal application and at the time of first application, this Court had commented on the aspect of non- involvement of the offending vehicle.

2. On the contrary, the learned counsel for the applicant pointed out that Insurance Company had in fact examined the Investigating Officer, who in his cross-examination had admitted that the offending vehicle was involved in the accident. As against this, the learned

counsel for the Insurance Company suggested that the main appeal be heard. However, considering the pendency of so many old matters the instant appeal which is of 2020 cannot be taken up for hearing. Therefore, at this stage, the applicant is permitted to withdraw additional 25% of the entire amount of compensation along with the proportionate interest by furnishing solvent security / surety to the satisfaction of the Registrar (Judicial) of this Court. The balance amount be kept in F.D.R. in any Nationalized Bank on yearly renewal basis till disposal of this appeal.

(SANDIPKUMAR C. MORE)
JUDGE

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