

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

**CIVIL APPLICATION NO. 8114 OF 2023 IN
FIRST APPEAL NO. 518 OF 2023**

Pravin Babasaheb Desai

Applicant

Versus

The Manager, New India
Assurance Co. Ltd. & others

Respondents

Mr. D. R. Markad, advocate for the Applicant
Mr. S. R. Bodade, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th July, 2023.

PC :

Heard rival submissions.

The applicant is seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-Insurance Company.

However, the learned Counsel for the Respondent-Insurance Company strongly opposed the application on the ground that the MLC at Exhibit-25 clearly indicated that the applicant, while driving the motor cycle, had in fact, given

dash to the allegedly offending trailer. Therefore, at this juncture, the applicant is permitted to withdraw only 50% of the deposited amount along with proportionate interest accrued thereon by furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount be invested in FDR, in any Nationalised Bank, on yearly renewal basis, till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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