

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO. 11334 OF 2022
IN FIRST APPEAL NO. 26 OF 2021
WITH CA/9034/2022 IN FA/26/2021

VISHAL LAXMAN CHILWANT
VERSUS
HDFC ERGO GENERAL INSURANCE COMPANY LTD THR ITS
MANAGER AURANGABAD

...
Mr. S.A. Deshmukh – Advocate for Applicant
Mr. M.R. Deshmukh – Advocate for sole Respondent
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 16th June, 2023

PER COURT :

CIVIL APPLICATION NO. 11334 OF 2022

1. It appears that, this application is filed inadvertently by the respondent – claimant in the appeal. His earlier application for the same relief i.e. Civil Application No. 9034 of 2022 is already pending. As such, the present application stands withdrawn and disposed of.

CIVIL APPLICATION NO. 9034 OF 2022

2. Heard rival submissions.

3. The applicant is seeking withdrawal of the entire amount

of compensation, which has been deposited by the appellant – Insurance Company alongwith the interest accrued thereon.

4. The learned Counsel for the appellant – Insurance Company strongly opposed the application on the ground of not having valid permit and grant of excessive compensation.

5. In view of the same, the applicant at this juncture is permitted to withdraw only 50% compensation amount alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

6. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

7. Civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE