

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

940 CIVIL APPLICATION NO.3162 OF 2023
IN FA/2226/2021 WITH CA/10993/2021 IN FA/2226/2021

RAOSAHEB BHAGWANT BRAMHANE
VERSUS
VINAYAK BABURAO DANDWATE AND ANR

...
Advocate for Applicant : mR. Shaikh Mazhar A. Jahagirdar
Advocate for Respondent No.1 : Mr. K. G. Gadhawe
Advocate for Respondent No.2 : Mr. S. S. Rathi
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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 23/03/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.3162 OF 2023:

1. Heard rival submissions.
2. 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.
3. The learned counsel for the insurance company opposed the application on the ground of false involvement of vehicle.
4. However, the learned counsel appearing on behalf of the owner of said vehicle did not dispute the involvement. However, it appears that functional disability of the injured claimant was not decided.
5. In view of the same, the applicant at present, is permitted to withdraw 75% from the deposited amount of compensation alongwith the proportionate interest accrued thereon till date on

usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

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

7. The civil application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.10993 OF 2021 :

Since the appellant – insurance company has deposited the entire amount of compensation, the application is made absolute, in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)