

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

937 CIVIL APPLICATION NO.16301 OF 2022
IN FAST/18649/2022 WITH CA/12087/2022 IN FAST/18649/2022

**SAMBHAJI SAVALRAM IJGAJ
VERSUS
NEW INDIA ASSURANCE CO LTD AND OTHERS**

...
Advocate for Applicant : Mr. Shubham Dattatrya Jayabhar,
Advocate for Respondent No.1 : Mr. S. R. Bodade
Advocate for Respondent Nos. 2 and 4 : Mr. P. R. Nangare
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CORAM : ARUN R. PEDNEKER, J.

DATE : 04.08.2023

PER COURT :

1. Learned counsel for the applicant submits that he had met with an accident for which the respondent -company was directed to pay compensation award only to the extent of medical expenses incurred by the appellant. The Insurance Company has challenged the judgment and award in M.A.C.P. No. 500/2016 passed by the Tribunal in this Court. The Insurance Company has also deposited 50% of the amount of the same. The application is filed by the insurer/applicant to withdraw the amount deposited in this Court.

2. Having heard the submissions of the parties, the applicant is permitted to withdraw Rs. 1,25,000/- along with the accrued interest on the amount. The Registry is directed to transmit the amount to

the Motor Vehicle Tribunal, Ahmednagar for disbursement. In the event the appeal is allowed, the applicant to file an undertaking in the matter that he would re-deposit the amount within 4 weeks.

3. Delay of (33) days is caused in filing the First Appeal. For the reasons stated in the application, the delay is condoned. Appeal be registered.

4. Civil Application No. 16301/2022 for withdrawal and Civil Application No. 12087/2022 for condonation of delay are disposed of accordingly.

(ARUN R. PEDNEKER)
JUDGE

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shp/-