

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15572 OF 2022
IN FIRST APPEAL NO. 1319 OF 2012

BALAJI @ BALASAHEB ASHOKRAO SHINDE
VERSUS
NEW INDIA ASSURANCE COMPANY LTD. BRANCH
PARBHANI AND ANOTHER

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Mr. Girish Rane – Advocate for Applicant

Mr. M.R. Deshmukh – Advocate for Respondent No.1

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 20th March, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant is claiming entire balance amount of compensation alongwith the interest on account of his own medical treatment as well as medical treatment of his wife.
3. The learned counsel for the respondent no. 1 – insurance company who has filed this appeal, strongly opposed the application on the ground that, this is second withdrawal application and this court has already allowed the applicant to withdraw the substantial amount. Moreover, a policy involved in this matter is an act policy under which the risk of

applicant – claimant was not covered. According to him the main appeal alongwith other connected appeals can be heard expeditiously.

4. However, considering the medical emergency the applicant at this stage, is permitted to withdraw amount of Rs.1,00,000/- (without any interest) by furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

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

6. The Civil application is disposed of.

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7. By consent this appeal alongwith other connected appeals (F.A. No. 250/2014 and F.A. No. 246/2014) arising out of same accident are fixed for final hearing on 23.08.2023.

**[SANDIPKUMAR C. MORE]
JUDGE**

Pooja K.