

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

959 CIVIL APPLICATION NO.3137 OF 2023
IN FAST/34526/2019 WITH CA/13654/2019 IN FAST/34526/2019
WITH CA/13655/2019 IN FAST/34526/2019

BHASKAR DNYANOBA KAMBLE @ BHOSALE
VERSUS
SOPAN SUBHASH BOYNE AND ANR

...
Advocate for Applicant : Mr. P. K. Deshmukh
Advocate for Respondent No.1 : Mr. V. S. Valse
Advocate for Respondent No.2 : Mr. M. R. Deshmukh

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 16/03/2023.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.3137 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the insurance company alongwith the interest accrued thereon.
3. The learned counsel for the insurance company opposed the application on the ground that the policy involved in the matter was only an 'act policy' and therefore, the injured was not covered. Moreover the learned Tribunal also wrongly directed to pay and recover order.
4. However, considering the amount of compensation which is around Rs.1,32,000/, the applicant is permitted to withdraw 50% of 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.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
6. The civil application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.13654 OF 2019 :

1. The appellant – insurance company is seeking condonation of delay of 269 days, which appears to be caused due to obtaining sanctions at various stages.
2. There is no strong objection from other side and therefore the delay of 269 days stands condoned.
3. The appeal be placed for admission after removal of office objections, if any. Application is accordingly disposed of.

C) ORDER IN CIVIL APPLICATION NO.13655 OF 2019 :

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

D) ORDER IN FIRST APPEAL (STAMP) NO.34526 OF 2019:

1. The learned counsel Mr. V. S. Valse, holding for Mr. V. P. Golewar, waives notice for respondent No.2- claimant. Likewise, the learned counsel Mr. Deshmukh P. K. also waives service for respondent No.1 in appeal.
2. Call R & P.

(SANDIPKUMAR C. MORE, J.)