

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.86 OF 2023

IN
FIRST APPEAL NO.833 OF 2022

Amit Chandrashekhar Deshpande

Vs.

Sanghshil s/o Bhagyanwan Kamble

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Shrushti Shahakar, Advocate for appellant.
Mrs. Uma Anil Bhattad, Advocate for respondent.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/01/2023

1. By this application, original claimant is seeking withdrawal of the amount by order dated 19.10.2022, the stay to the execution of the impugned judgment and award was directed on depositing the entire amount of compensation within six weeks'.

2. Now, the appellant has deposited entire amount of compensation of Rs.14,21,026.96/-. The learned Advocate for the appellant objected for withdrawal of the amount on the ground that the main appeal can be disposed of. The learned Advocate for the original claimant submitted that the original claimant had already suffered due to the accident and injuries sustained by him.

3. Considering the reasons mentioned in the application, and as per the submission of the learned

Advocate for the appellant, no statutory defence is raised by the Insurance Company before the Tribunal 50% amount can be disbursed to the original claimant.

4. In view of the reasons mentioned in the application, original claimant is permitted to withdraw 50% amount on furnishing usual undertaking.

5. Civil Application No.86 of 2023 is disposed of.

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1. Appellant to file private paper-book within two weeks.

2. Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)

Sarkate