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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1233 OF 2024
IN
FIRST APPEAL STAMP NO.29512 OF 2019

Dattatray Kamlakar Naikwade

APPLICANT

VERSUS

Shlok Tours and Travel Prop. Sunil Vasant Jadhav
(Died) LRs and Others

RESPONDENTS

.....
Mr. Girish S. Rane, Advocate for the applicant
Mr. M. M. Ambhore, Advocate for respondent No.5
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th JULY, 2024

ORDER :

1. This application is filed for withdrawal of amount of compensation deposited by respondent No.5 - Insurance Company.
2. Learned advocate for insurance company vehemently opposed the prayer of withdrawal, contending that the vehicle alleged to be shown involved in the accident, insured with the insurance company, was not at all involved in the accident. Police report is lodged after 40 days of the accident and evidence of the witnesses is inconsistent. He further submits that, this Court in connected matter, arising out of the same accident, has

permitted to withdraw 25% of the compensation amount awarded under the impugned award, on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court. Copies of order dated 4th March, 2021 passed in Civil Application No. 1962 of 2020 and of order dated 26th August, 2021 passed in Civil Application No. 8817 of 2021, modifying order dated 4th March, 2021, are placed on record.

3. Learned advocate for applicant has placed on record copy of order passed on 22nd February, 2023 in Civil Application No. 2280 of 2023, whereby further additional 25% of the amount of compensation, along with proportionate interest is permitted to be withdrawn on furnishing solvent surety.

4. In the light of above, applicant is permitted to withdraw 50% of the compensation amount deposited in this Court, along with proportionate interest, by furnishing solvent security to the satisfaction of the Registrar (Judicial). Remaining Amount be invested in fixed deposit to be renewed from time to time, until further orders.

5. Civil Application is disposed of.

**[NITIN B. SURYAWANSHI]
JUDGE**