



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

31 CIVIL APPLICATION NO. 2121 OF 2024  
IN FA/1752/2021

GIRISH ARJUN MOTE  
VERSUS  
SUNIL MAHADU MORE AND ANR

...  
Advocate for Applicant : Mr. F.K. Patel h/f. Mr. J.V. Patil  
Advocate for Respondent 2 : Mr. A.B. Dhongade h/f. Mr. M.C. Mene  
...

CORAM : KISHORE C. SANT, J.  
Dated : July 16, 2024

**PER COURT :-**

1. Heard.
2. This application is for withdrawal of the amount. The applicant is the claimant, who received injury in an accident. The learned MACT on hearing the parties and considering the evidence, passed the impugned order which is challenged by the Insurance Company in this appeal. The amount is now deposited in the office of this Court. The application is opposed by the learned advocate for the respondent No. 2.
3. However, considering that the applicant has suffered disability to the extent of 45% and he has also lost capacity to earn sufficiently, this Court is inclined to pass the following order.

**ORDER**

- (I) The application is partly allowed.
- (ii) The applicant is permitted to withdraw 50% of the amount deposited by the respondent/Insurance Company along with accrued interest in the office of this Court on furnishing usual undertaking.
- (iii) Further 25% of the amount deposited in this Court to be withdrawn

by the applicant on giving solvent surety/security to the satisfaction of the learned Registrar Judicial of this Court.

(iv) Balance amount be invested in fixed deposit in any nationalized bank till the disposal of the appeal.

The application stands disposed of.

( KISHORE C. SANT, J. )

ssc/