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904- CA-4002-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO. 4002 OF 2024
IN FA/4430/2023

Mosham Umaji Jagtap

VERSUS

United India Insurance Company Ltd Through Its Branch Manager And
Ors

WITH

CIVIL APPLICATION NO. 12507 OF 2023
IN FA/4430/2023

...

Mr. Mazhar A. Jahagirdar Shaikh, Advocate for Applicant.

Mr. A. D. Soman (through VC) for Respondent No.2.

Mr. Pawankumar S. Agrawal and U. N. Shete for Respondent No.3.

Mr. S. R. Bodade for Respondent No.5.

CORAM : KISHORE C. SANT, J.

DATE : 12th DECEMBER 2024

PC :-

1. This application is moved for withdrawal of the amount deposited in this Court by the appellant-insurance company.
2. The application is vehemently opposes by the learned Advocate for the respondent. He submits that the ground taken in the appeal is contributory negligence. The applicant himself was negligent and

because of which contributed to the accident. Second ground raised is the driver of the truck i.e. offender vehicle was not having valid license.

3. The applicant is the original claimant before the claim tribunal. He had suffered injury in an accident as a result on which his leg is required to be amputated from the knee.

4. Considering this aspect, the application stands allowed.

5. The applicant is permitted to withdraw 50% of the amount with accrued interest on giving usual undertaking.

6. The remaining 25% of the amount is allowed to be withdrawn alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar of this Court.

7. With this, application stands disposed off.

[KISHORE C. SANT, J.]