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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
910 CIVIL APPLICATION NO. 5120 OF 2024
IN FAST/25179/2023**

DURGABAI SURESH PATIL

....Applicant

VERSUS

SHASHIKANT RAJARAM TAYADE AND ANR

.....Respondents

Mr. M. M. Bhokarikar, Advocate for the applicant
Mrs. S. P. Kakde (Matkar), Advocate for the respondent No.1
Mr. Anand Dale, Advocate h/f Mr. S. S. Rathi, Advocate for the
respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 20th JUNE, 2024

P. C.

1. This application is preferred for withdrawal of the amount deposited by the insurance company in the court of learned Member, MACT, Jalgaon in MACP No. 78/2019. Vehicle owner has preferred the appeal aggrieved by the order of the trial court dated 21-10-2022 to pay and recover. Dispute is thus only between insurance company and owner about liability to pay the claimants.

2. Learned advocate for the respondents opposed the

application for withdrawal of the amount.

3. In view of the same, this court is inclined to allow the application.

4. Learned MACT, Jalgaon is directed to allow the applicant to withdraw 50% of the amount of compensation by furnishing undertaking that in case, appeal is allowed, the claimant shall re-deposit the said amount with interest within 12 weeks from the date of decision of the appeal. Further 25% of the amount be withdrawn on furnishing solvent surety/security to the satisfaction of the Member, MACT, Jalgaon. Remaining amount of 25% be kept in fixed deposit in any nationalized bank to be renewed periodically till disposal of the appeal.

5. The application stands disposed off accordingly

[KISHORE C. SANT, J.]