



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

43 CIVIL APPLICATION NO. 10645 OF 2024
IN FAST/13129/2024

CIVIL APPLICATION NO. 5075 OF 2024
IN FAST/13129/2024

WITH

CIVIL APPLICATION NO. 5076 OF 2024
IN FAST/13129/2024

ARJUN PRALHADBUIWA AARAN

VERSUS

THE NEW INDIA ASSURANCE CO LTD THROUGH ITS BRANCH
MANAGER AND ANR

...

Advocate for Applicant : Mr. Pawankumarr Surykiren Agrawal

Advocate for Respondent No.1 : Mr. M. R. Deshmukh

...

CORAM : KISHORE C. SANT, J.

DATE : 10.10.2024.

PER COURT :

WITHDRAW

1. This application is filed for withdraw of the amount deposited by the insurance company in the office of this Court. The applicants are the original claimants, however, it is an injury claim. The learned Member of MACT has awarded amount of Rs. 9,80,094/- and out of the said amount an amount of Rs. 4,88,000/- is towards the medical expenses.

2. The application is vehemently opposed by the learned Advocate Mr. Deshmukh. He submits that the entitlement of the medical expenses is doubtful as an accident took place on 06.03.2020 when the applicant was riding the motorcycle as pillion rider. Both the persons who were riding on motorcycle did not lodge any FIR. Thereafter, they were shifted to hospital after 266 days i.e. on 02.04.2020. For the first time one Asaram stated that a Bullet motorcycle had given dash to the motorcycle of the applicant. He thus submits that the owner of the Bullet also rightly admitted the accident and of giving of dash to the motorcycle of the applicant. He thus submits that there are good chances of success in the appeal. He further submits that the medical bills are not duly proved as the person issuing those bills is not examined.

3. Be that as it may, in the present case the Court is considering application for withdrawal of the amount, considering that the amount is more than 50% and is towards medical bills. This Court finds that ends of justice will meet by allowing the application for withdrawal of 50% amount on

furnishing usual undertaking, hence following order :

ORDER

(a) The Civil Application partly allowed and disposed off.

(b) The applicant alongwith accrued interest is allowed to withdraw 50% of the amount deposited in the office of this Court on furnishing usual undertaking.

(c) The remaining amount be kept in fixed deposits to be renewed from time to time in any nationalized bank till final disposal of the main appeal.

DELAY

1. This application is filed for condonation of delay of 166 days caused in filing appeal.

2. For the reasons stated in the application, the application stands allowed. Delay stands condoned. The application stands allowed and disposed off.

3. Office to register the First Appeal.

STAY

1. The amount is already deposited in the office of this Court, there shall be stay to the execution and operation of the impugned judgment and award as per prayer Clause (B).

2. The Civil Application stands allowed and disposed off.

FIRST APPEAL

1. Heard. Office to issue notice to the respondents, returnable on **19.12.2024**.

2. Learned Advocate Mr. Agrawal waives service of notice for respondent No 1.

3. Call R & P.

**(KISHORE C. SANT)
JUDGE**

mahajansb/