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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**35 CIVIL APPLICATION NO. 5835 OF 2024
IN FAST/4386/2024**

ARJUN NAGNATH KHARMATE

....Applicant

VERSUS

**ICICI LOMBARD GENERAL INSURANCE CO LTD THROUGH ITS
GENERAL INSURANCE CO LTD AND ANR**

....Respondent

Mr. S. S. Dargad, Advocate for the applicant

Mr. S. S. Patil, Advocate h/f Mr. R. H. Dahat, Advocate for
respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2024

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1. Heard the learned advocates for the parties.
2. Learned advocate for the appellant vehemently opposed the application. He submits that claimant has claimed to be a driver working on the truck. However, in evidence he could not even produce driving license to show that he was working as a driver. He submits that there are some other grounds raised in the appeal. There are chances of success in the

appeal. If the amount is withdrawn by the applicant, it would be difficult to recover the same.

3. However, considering the fact that applicant/claimant has suffered injury and is required to spend huge expenses for his treatment, this court is inclined to allow the application. Hence the following order:-

ORDER

a] The application stands allowed.

B] The applicant is permitted to withdraw 50% of the amount deposited in this court alongwith accrued interest by giving an undertaking that in case, the appeal is allowed he shall re-deposit the amount within 12 weeks from the date of such judgment. Further amount of 25% of the amount is allowed to be withdrawn along with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court.

[KISHORE C. SANT, J.]