

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

75 CIVIL APPLICATION NO. 9979 OF 2024
IN FA/1087/2024
WITH
CIVIL APPLICATION NO. 7514 OF 2024
IN FA/1087/2024

DILIP MURLIDHAR SONAWANE
VERSUS
PREMCHAND SHIVLAL CHAVAN

...
Advocate for Applicant : Mr. Mangal Vasantrao Manal
Advocate for Respondent No.3 : Mr. Ajit B. Kadethankar
...

CORAM : KISHORE C. SANT, J.
DATE : 10.10.2024.

PER COURT :

WITHDRAWAL

1. Heard. This application is filed for withdrawal of the amount deposited by the insurance company in the office of this Court as per the judgment and award passed by the tribunal.
2. The application is vehemently opposed by the learned Advocate Mr. Kadethankar for respondent No. 3. He submits that in the present case an amount was never received by the insurance company. The amount was remitted by the dealer himself who sold the tractor. Secondly he submits that

the tractor was being used for the purpose of supplying water and not for any agricultural purpose and is met with an accident. Thus, there is violence of the conditions of policy. He submits that the Court could have pass an order of pay and recover.

3. Considering all these facts this Court finds that all these aspects can be taken into consideration at the time of final decision of the appeal. If the amount is deposited in the office of this Court, the following order will be the ends of justice. Hence the following order :

ORDER

- (i) The Civil Application stands allowed and disposed off.
- (ii) The applicant is permitted to withdraw 50% of the amount deposited alongwith accrued interest on furnishing usual undertaking.
- (iii) Further 25% amount deposited along with accrued interest is permitted to withdraw on furnishing solvent surety/security to the satisfaction of Registrar, (Judicial) of this Court.
- (iv) The applicant No.4 is minor, the amount to his extent be deposited in fixed deposit, in

any nationalized bank, to be renewed from time to time till he attained the majority and the interest accrued on it would be credited to the account of applicant No.1 for every quarter.

(v) With this Civil Application stands disposed off.

(vi) The applicant to correct the age of the applicant in the application.

STAY

1. Since the amount is already deposited in the office of this Court by the Insurance Company as per the impugned judgment and award, there shall be stay to the execution and operation of the impugned judgment and award till final disposal of the main appeal.

2. The Civil Application stands disposed off.

FIRST APPEAL

1. The applicant to take steps to serve respondent No. 5 and thereafter to move this Court.

**(KISHORE C. SANT)
JUDGE**

mahajansb/