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68ca10361.23

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

**68 CIVIL APPLICATION NO. 10361 OF 2023
IN FA/1631/2023**

AMOL NAMDEO DHATRAK

....Applicant

VERSUS

**THE NEW INDIA ASSURANCE CO LTD THROUGH ITS BRANCH
MANAGER AND OTHERS**

.....Respondents

Mr. A. S. Gandhi, Advocate for the applicant

Mr. S. S. Rathi, Advocate for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 18th OCTOBER, 2024

P C.

1. This application is for withdrawal of the amount deposited by the appellant-insurance company in the office of this court.

2. The learned advocate for the applicant submits that the applicant claimants was required to spend almost Rs.29 lakhs towards medical expenses. He prays for at least that much amount be allowed to be withdrawn.

3. Mr. Rathi, learned advocate opposes the application. He submits that though it was injury claim the petitioner claimed to have acquired disability to the extent of 50% in his evidence. On getting fitness certificate he can join the services. He submits that some exhibits are the photo copies and still the court has relied upon the photo copies. At Exh.39 those amount comes at the most Rs.11 to 12 lakhs and not more. He thus submits that amount of medical expenses is not more than Rs.15 lakhs in any case.

4. Considering the original bills as on today and there is no dire need as such, however, considering that the insurance company has already deposited the amount of Rs.78 lakhs and some odd amount, it is not in the interest of any of the parties to keep the amount idle in this court. At the same time the interest of the insurance company also needs to be protected. Hence, following order:

ORDER

a] The applicant is entitled to withdraw 50% of the amount deposited in the office of this court alongwith accrued interest on furnishing usual undertaking. Considering that the huge amount is involved in the present case, to take up the appeal for final disposal at the stage of admission.

b] Provided that applicant has not claimed any medical reimbursement from the employer.

c] The application stands disposed off.

[KISHORE C. SANT, J.]