



This order is corrected by speaking to the minutes order dated 26.09.2024

911-CA-11089-17 (C)

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

**CIVIL APPLICATION NO. 11089 OF 2017 IN FA/3366/2017**

Mahesh Balasaheb Warghude Through Next Friend And  
Guardian Balasaheb R. Warghude And Another  
**VERSUS**  
Oriental Insurance Co. Ltd, Through Its Authorized Signatory,  
Div. Manager, D.O.I. Aurangabad And Another

.....  
Mr. Vishal S. Badakh, Advocate for Applicant  
Mr. Dhananjay P. Deshpande, Advocate for Respondent No.1  
.....

**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 30<sup>th</sup> AUGUST, 2024**

**ORDER :**

1. Heard.
2. This application is filed for withdrawal of compensation amount deposited by the insurance company.
3. Learned advocate for applicant/claimant submits that, the claimant, since the date of accident in the year 2011 till date is in coma and is undergoing treatment. So far no compensation amount is paid to the applicant/claimant.
4. Learned advocate for insurance company strenuously opposed the application contending that insurance company has filed application for leading additional evidence to show

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that the owner of the offending car was on duty at Mumbai Post Trust on the date of accident and he could drive his car at Rahuri at the place of accident.

5. Considering the fact that, the Tribunal has passed an award on 29.06.2016 and till date applicant/claimant has not received a single rupee of compensation amount and the additional evidence sought to be laid by the insurance company is of the year 2017 and the said application would be considered at the time of final hearing, at this stage, application for withdrawal of amount deserves to be allowed. Hence, the following order:

**ORDER**

- (i) Application is allowed.
- (ii) Applicant is permitted to withdraw 50% of the compensation amount along with accrued interest thereon, on furnishing undertaking and 50% amount with accrued interest on furnishing solvent surety/security to the satisfaction of Registrar (Judicial).
- (iii) Civil Application is disposed of.

**[NITIN B. SURYAWANSHI ]  
JUDGE**