



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO. 7584 OF 2023
IN FA/3795/2019

Ferojkhan Sherkhan Pathan

VERSUS

Bhagwan Dashrath Gaikwad And Others

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Mr. Mohit R. Deshmukh, Advocate for Applicant

Mr. A.G. Choudhari, Advocate for respondent No. 3

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11th OCTOBER, 2024

ORDER :

1. This application is filed for withdrawal of 50% amount of compensation deposited by respondent No. 3.

2. Learned advocate for applicant fairly pointed out the order dated 30.08.2019 passed in the present first appeal in Civil Application No. 1176/2019 whereby prayer of the applicant for withdraw of amount was rejected by this Court. He submits that in view of change in circumstance that in Civil Application No. 1176/2019 in First Appeal Stamp No. 27404/2018, filed by similarly situated claimants, who had suffered injuries in the same accident, his application for withdrawal of amount was

Bhagyawant Punde

allowed and he is permitted to withdraw 50% of the amount deposited by 3rd respondent. He submits that on the ground of parity, this application may be allowed.

3. Learned advocate for insurance company has opposed the application, however, he fairly concedes that order is passed in the case of similarly situated claimants.

4. In the light of change in circumstance, application is allowed.

5. Applicant is permitted to withdraw 50% amount deposited by respondent No. 3 along with proportionate accrued interest on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

[NITIN B. SURYAWANSHI, J.]