



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO. 11582 OF 2024
IN FA/2594/2024
WITH
CIVIL APPLICATION NO. 3659 OF 2024
IN FA/2594/2024

KIRAN BABAN AHER
VERSUS
MANAGER CHOLAMANDALAM MS GENERAL INSURANCE CO
LTD AND ANR

...
Advocate for Applicant : Mr. Amol Subhash Gandhi
Advocate for Respondent No.1 : Mr. Aniruddha S. Usmanpurkar
...

CORAM : KISHORE C. SANT, J.
DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. Heard. This application is filed for withdrawal of the amount deposited in the office of this Court by the appellant insurance Company.

2. Learned Advocate Mr. Usmanpurkar for respondent Insurance Company vehemently opposed the application. Prima-facie it appears that the applicant is still earning by doing

a job. He is also getting salary, however, certainly he would be entitled to receive the amount towards gross loss etc. as it is the case of 20% disability. In view of the same following order :

ORDER

- (i) The Civil Application stands allowed.
- (ii) The applicant is permitted to withdraw 50% of the amount along with accrued interest deposited in this Court as per the award, on furnishing usual undertaking.
- (ii) The Civil Application stands disposed off.

STAY

1. As the amount is already deposited in the office of the Court, there shall be stay to the execution and operation of the impugned judgment and award till disposal of the appeal.

FIRST APPEAL

1. Heard.
2. Issue notice to the respondents, returnable on 19.12.2024.

3. Learned Advocate Mr. Gandhi, waives service of notice for the respondent No. 1.

4) Call R & P.

(KISHORE C. SANT)
JUDGE

mahajansb/