



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**90 CIVIL APPLICATION NO. 11222 OF 2024
IN FAST/11823/2024**

NAMDEO SAKHARAM SANAP
VERSUS
JAI AMBE LOGISTICS AND ORS

...

Advocate for Applicant : Mr. Abhijit Chandrakant Darandale.
Advocate for Respondent No.3 : Mr. Aniruddha S. Usmanpurkar.

...

AND

**CIVIL APPLICATION NO. 5425 OF 2024
IN FAST/11823/2024**

RELIANCE GENERAL INSURANCE CO LTD
VERSUS
NAMDEO SAKHARAM SANAP AND 2 OTHERS

...

Advocate for Applicant : Mr. Aniruddha S. Usmanpurkar.

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CORAM : **KISHORE C. SANT, J.**

DATE : 17th October, 2024.

P.C.:

. Heard the learned counsels for the parties.

Application for condonation of delay:

2 For the reasons stated in the application, the delay stands condoned. The application stands allowed. Appeal be registered.

3 The applicant to deposit the statutory amount within eight weeks from today.

Appeal:

4 Heard.

5 Issue notice to the respondents. Mr. Darandale, learned counsel waives notice on behalf of respondent/claimants.

6 The record and proceedings be called for.

Application for withdrawal of amount:

7 This application is for withdrawal of amount deposited by the appellant/insurance company in this Court.

8 The application is heavily opposed by the learned counsel for appellant/insurance company. He submits that though the Court has held that it is a case of contributory negligence and has deducted 50% of the amount from the amount of compensation, however, the Court has not deducted 50% amount under other heads like medical expenses and other expenses. The notional income is taken Rs.13,750/-, which is on higher side, considering that the accident took place in the year 2017. He, therefore, submits that there are chances of success in the appeal and prays for rejection of the application. However, considering that the applicant himself is an injured person, who had filed MACP for injury claim, this Court finds that the interest of justice would be made by the following order:-

ORDER

- I. The applicant is permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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