



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 CIVIL APPLICATION NO. 12712 OF 2023

IN FA/14/2023

WITH CIVIL APPLICATION NO. 194 OF 2023

IN FA/14/2023

KHAJAUDDIN SULEMAN JAVALKAR

VERSUS

NEW INDIA ASSURANCE COMPANY LTD NEW DELHI
THROUGH BRANCH MANAGER

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Advocate for Applicant : Mr. Sushant Baburao Choudhari.

Advocate for Respondent No.1 : Mr. M. R. Deshmukh.

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CORAM : S. G. MEHARE, J.

DATE : 09.02.2024

PER COURT :-

1. Heard the learned counsel for the respective parties.
2. The applicant was the occupant in the car which was insured with the appellant. It was an accident between the car and a tractor. The tractor was not insured. The Court held the insurer responsible to pay the compensation to the extent of 25%.
3. Learned counsel for the appellant submits that the erroneous order has been passed in the operative order to recover the money from any vehicle. *Prima facie*, it appears that impugned order is not in consonance with the provisions

of law. However, the appellant admits the responsibility of 25%. Hence, the following order :

ORDER

- (i) Civil application for withdrawal of amount is partly allowed.
- (ii) The applicant is allowed to withdraw the amount to the extent of 25% responsibility from the amount deposited with Court with accrued interest on the undertaking that he would deposit the money if the impugned judgment is reversed.

(S. G. MEHARE, J.)

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vmk/-