



(1)

22ca13078.24

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

22 CIVIL APPLICATION NO. 13078 OF 2024

IN FA/3151/2022

AND

FA/3151/2022

GANESH RAMBHAU CHOUDHARY

....Applicant

VERSUS

RAJKUMAR BABULAL YADAV AND ORS

.....Respondent

Mr. Ajay Thakaji Kanawade, Advocate for the applicant

Mr. S. S. Rathi, Advocate for the respondent No.3

CORAM : KISHORE C. SANT, J.

DATE : 10th DECEMBER, 2024

P. C.

1. Heard.

2. This application is for withdrawal of the amount.

3. The application is vehemently opposed by the learned advocate for the insurance company. He submits that this is second application for withdrawal of the amount. In

earlier application, this court has already allowed the applicant to withdraw an amount of Rs.6 lakhs alongwith accrued interest holding that if the appeal of the insurance company is accepted, the amount of compensation would not be less than Rs.10 lakhs.

4. The learned advocate for the applicant points out that the learned trial court had considered the income on the basis of bank details showing that in the bank account of the petitioner amount of Rs.16,650 was credited on 20-06-2017, Rs. 2340/- on 21-06-2017 further Rs.15,692 on 21-07-2017. Though it was not shown with the amount of salary but reasonably it can be said that the applicant was earning this much amount.

5. In view of this, this court finds that some more amount needs to be allowed to be withdrawn. Hence, the following order:-

ORDER

a] The application is allowed.

b] The applicant is permitted to withdraw the amount of Rs.4 lakhs alongwith accrued interest on furnishing usual undertaking and further amount of Rs.2 lakhs is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court.

c] It is made clear that no further application for withdrawal shall be entertained.

APPEAL

1. Heard.
2. Call R & P

[KISHORE C. SANT, J.]