

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**Interim Application No. 11101 of 2024
(for withdrawal)**

IN

First Appeal No. 570 of 2024

With

First Appeal No. 570 of 2024

Janardan P. Kapse ... Applicant

In the matter between

Future General India Insurance Co.Ltd. ... Appellant

V/s.

Janardan P. Kapse & anr. ... Respondents.

Mr. Rajesh Kanojia a/w. Ms. Prachi Pawar i/b. Res Juris	Advocate for the insurance company
Mr. V.M.Parkar	Advocate for Applicant

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CORAM : S.M. MODAK, J

DATE : 24 October 2024.

P.C. :

Heard learned counsel for the parties.

2. According to Mr. Kanojia, the learned counsel appearing for the insurance company submits that though the driver of insured vehicle was not at all negligent, the Tribunal held the driver responsible. In fact the accident caused due to rash and negligent driving of innova vehicle and his identity could not be established

because FIR is against unknown person. In fact on the last date, the insurance company was asked to supply compilation. For some or the other reason, it could not be supplied. There is insistence on deciding withdrawal application.

3. Considering the above facts, respondent No.1 is permitted to to withdraw 40% deposited along with accrued interest on furnishing usual undertaking.

4. Interim Application stands disposed of.

5. Let the compilation be supplied to other side positively till next date. Both the parties should be ready with the citations. Notice is served on Respondent No.2 but there is no appearance.

6. Considering the grounds taken in this appeal, Stand over to **28 November 2024** for final disposal.

(S.M. MODAK, J.)