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

**948 CIVIL APPLICATION NO. 5311 OF 2025
IN FAST/11119/2023**

**ALFA RAJENDRA KALSE
VERSUS
BALAJI ASHOKRAO KADAM AND ANR**

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Mr S. P. Kausalye, Advocate for applicant
Mr Fayaz K. Patel, Advocate for respondent No.1

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 6th May, 2025

PER COURT:

1. This is an application for withdrawal of amount deposited by respondent No.1/Balaji Ashokrao Kadam.
2. First Appeal is filed by Balaji Ashokrao Kadam, respondent No.1 herein, who was driving the two wheeler involved in the accident. By the impugned judgment and order, the Motor Accident Claims Tribunal fastened the liability upon the driver and the owner of two wheeler (respondent No.1 herein) which has caused the accident of the claimant, who was on bicycle, for an amount of Rs.5,50,000/- with interest of 9% p.a. from the date of petition till realization of the compensation amount.

(2)

3. The instant First Appeal is filed by Balaji who was driving the bike at the time of accident. Pursuant to the orders passed by this Court, the appellant has deposited amount of Rs.4,97,500/-. The applicant/injured in the accident has filed instant application for withdrawal of the amount deposited.

4. Having heard the submissions advanced by both the parties and considering the contentions stated in the application, the same is partly allowed. The applicant is permitted to withdraw 50% of the deposited amount on furnishing an undertaking to the Registrar (Judicial) of this Court that in case, the appellants succeeds in appeal then she will redeposit the amount in this Court with interest. Further 25% of the amount deposited be permitted to be withdrawn on the applicant submitting solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Balance amount be fixed in Fixed Deposit in any Nationalized Bank.

5. Civil Application is disposed of.

(PRAFULLA S. KHUBALKAR, J.)

sjk