

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

911 CIVIL APPLICATION NO. 12558 OF 2017
IN FIRST APPEAL ST. NO.16308/2017

RUKMIN ANIL GHOLAP AND ORS

VERSUS

RUSTUM HARISCHANDRA BANSODE AND ORS

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Advocate for Applicants : Mr. Mayure Pramod C
Advocate for Respondent No.3 : Mr. A. S. Usmanpurkar

CORAM : K. L. WADANE, J.

DATE : 14th December, 2017

ORDER:

1. Heard learned counsel for the applicants and learned counsel for the respondents.

2. This is an application for withdrawal of the amount of compensation deposited by respondent No.3 Insurance company in this Court.

3. Learned counsel appearing for the respondent Insurance company has objection to pay the entire amount to the applicants on the ground that initially the first information report was lodged against unknown person/driver and after about 16 days, the complaint came to be lodged against the driver of the offending vehicle and therefore it is a specific stand of the Insurance Company that there was collusion between owner and driver of the vehicle. I have gone through

the reasons recorded by the learned Tribunal to that effect. Prima facie, it appears that the findings recorded in this regard are well reasoned and are at logical end. Presently, the award is in favour of the applicants.

4. In view of the above, for the reasons stated in the application, I am of the opinion that at least 50% of the amount of compensation under award alongwith with interest accrued thereon is to be paid to the applicants. Hence following order:

O R D E R

Applicants are permitted to withdraw 50% of the amount of compensation deposited in this court with interest accrued thereon on furnishing undertaking that in the event of adverse order passed in the appeal, they shall deposit the said amount within a period of 12 weeks from the date of order.

5. The civil application is disposed of

(K. L. WADANE, J.)

JPC