

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

921 CIVIL APPLICATION NO. 12606 OF 2017
IN FA/3997/2017

DIGAMBAR KAILAS GIRI AND ANR

VERSUS

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD, THR ITS BRANCH
MANAGER, AURANGABAD AND ANR

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Advocate for Applicants : Mr. Ambetkar Arvind G
Advocate for Respondent No.1 : Mr.S. G. Chapalgoankar
Advocate for respondent No.2: Mr. Mr. A. T. Kanawade

CORAM : K. L. WADANE, J.

DATE : 12th October, 2017

ORDER:

1. Heard learned counsel for the respective parties.

2. This is an application for withdrawal of the amount of compensation deposited by the respondent Insurance Company in this Court. The learned for the Insurance Company opposed the application on the grounds of non involvement of the vehicle and secondly the driver of the offending vehicle was not holding valid driving licence.

3. I have gone through the reasons recorded by the Tribunal, as well as copy of the First Information Report and Spot Panchanama. From the same, it appears that the accident occurred on 26th May, 2013 at about

7.00 p.m. The spot panchanama was prepared on the next date, wherein, the details of the situation appearing at the spot is mentioned minutely. In the first information report, registration No. of the motorcycle as well as truck is mentioned. It is also mentioned that at the time of filing of the first information report, both the vehicles were lying on the spot of accident. However, on the next day, no articles were seized from the sport. Meantime, both the vehicles were removed from the spot.

4. Presently, the award is in favour of the applicants and for the reasons stated in the application, at least 75% amount can be paid to the applicant. Hence following order:

O R D E R

1. The applicants are allowed to withdraw 75% of the amount deposited in this court with interest accrued thereon.
2. Remaining 25% amount shall be invested in fixed deposit initially for a period of 13 months in any nationalized Bank and shall be renewed thereafter as per directions of the Court.
3. The civil application is disposed of

(K. L. WADANE, J.)

JPC