

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.2697 OF 2017

**914 CIVIL APPLICATION NO. 2697 OF 2017
IN FA/3928/2016
WITH
CA/14281/2016 IN FA/3928/2016**

SHARDA SANDIPAN SHINDE AND ORS
VERSUS
YUVRAJ VISHWANATH TARTE AND ORS

...
Advocate for Applicants : Mr.Choudhari Sushant B
Mr.M. M. Ambhore For R/3

...
CORAM : P.R. BORA, J.
Dated: June 20, 2017
...

PER COURT :-

1. The applicants are seeking withdrawal of the entire amount deposited by the appellant Insurance Company in this Court. Learned Counsel for the Insurance Company has opposed the application. Learned Counsel submitted that the Insurance Company has seriously disputed the very involvement of the insured vehicle in the alleged accident. Learned Counsel submitted that though the accident is stated to have happened on 20th May, 2015, the FIR of the alleged accident is admittedly lodged on 1st of June, 2015 and there is no cogent explanation as to why there was so much of delay in lodging the FIR. Learned Counsel submitted that it was the case of the appellant Insurance Company even before the Tribunal that with the collusion of the owner of the insured vehicle the claimants have falsely implicated the insured

agp/-

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vehicle in occurrence of the alleged accident. Learned Counsel, therefore, opposed for permitting withdrawal of the deposited amount.

2. Considering the submission made as above, I deem it appropriate to pass the following order.

ORDER

(i) The applicants are permitted to withdraw a sum of Rs.10,00,000/- (Rs. ten lacs) on submitting an undertaking that in the event any adverse order is passed, they will re-deposit the amount so withdrawn within four months of passing such order. The balance amount be invested in any nationalized Bank initially for a period of two years and if so required, for further period till disposal of the appeal.

Civil Application for withdrawal of amount stands disposed of. R & P be called for. Hearing of the appeal is expedited.

(ii) Heard learned Counsel on stay application. In view of the fact that the Insurance Company has deposited entire amount under the award, the interim order passed on 25th October, 2016 is made absolute. Civil Application (No.14281/2016) for stay stands disposed of.

(P.R. BORA, J.)