

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

87 CIVIL APPLICATION NO. 15172 OF 2017
IN FA/1422/2017

AMOL BHAUSAHEB GHULE
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO LTD THR ITS
BRANCHMANAGER, AURANGABAD AND ORS

WITH

114 CIVIL APPLICATION NO. 15220 OF 2017
IN FA/1356/2017

SUSHIL JAGANNATH SADDHYE
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO LTD THR ITS
BRANCHMANAGER, AURANGABAD AND ORS

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Advocate for Applicant : Mr. Deshpande Siddharth R.
Advocate for Respondent No. 1 : Mr.S. G. Chapalgoankar.

CORAM : K. L. WADANE, J.

DATE : 18th December, 2017

ORDER:

1. These are the applications for withdrawal of amount of compensation deposited by the insurance company.

2. Learned counsel appearing for the insurance company/appellant submits that, appeals are presented mainly on the ground of quantum and involvement of the vehicle.

3. Learned counsel for the applicant/claimant

pointed out the contents of the first information report, which is lodged by police officer, who was on duty on the relevant date and time.

4. On perusal of the contents of the first information report it appears that name of two vehicles i.e. Car No. MH-20/CS-3113 and Car No. MH-20/CS-5092 are mentioned in the first information report. So also name of the present applicant along with other injured persons are also mentioned, who were travelling in Car No. MH-20/CS-3113. So the involvement of the vehicle is clear. Further more, second ground is about the quantum of amount of compensation.

5. Looking to the grounds raised in the appeal-memo, I am of the opinion that 75% amount of compensation can be paid to the applicants.

6. Civil Applications are allowed in part.

7. The applicants are permitted to withdraw 75% amount of compensation on furnishing condition that in case adverse orders are passed in the appeal then the applicants/claimants will redeposit the same in this Court within a period of 12 weeks.

8. Remaining 25% amount along with interest accrued

shall be invested in any Nationalized Bank initially for a period of two years and thereafter shall be invested from time to time as per the order of this Court.

9. Civil Applications for withdrawal of compensation amount are disposed of.

(K. L. WADANE, J.)

mkd