

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

14 CIVIL APPLICATION NO.4274 OF 2018
IN FA/3224/2018

BALASAHEB DHONDIRAM GHODKE AND ORS
VERSUS
NEW INDIA INSURANCE CO. LTD., THR ITS DIV. MANAGER,
AURANGABAD AND ANR

...
Advocate for Applicants : Mr. Shirsat Suhas R.
Advocate for Respondent no.1 : Mr.S.G. Chapalgaonkar
....

CORAM : SUNIL K. KOTWAL, J.

DATE : DECEMBER 10, 2018

O R D E R :

Heard learned counsel for applicants and
learned counsel for respondent Insurance Company.

2. Learned counsel for insurance company
objected this application for withdrawal on the ground
that involvement of the offending vehicle is seriously
disputed and there is delay of 32 days in filing the
first information report.

3. Learned counsel for the applicants submits
that delay in filing the first information report
cannot be a ground to reject the claim petition.

4. At this stage, it is not desirable to express anything on merits.

5. Considering the peculiar nature of litigation, permission is granted to the applicants to withdraw 50 per cent amount of the compensation deposited in this Court, subject to filing solvent security for the said amount within a period of two weeks from the date of passing of this order to the satisfaction of the Registrar (Judicial).

6. Civil Application is disposed of.

[SUNIL K. KOTWAL, J.]

dbm