

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

**922 CIVIL APPLICATION NO. 11131 OF 2018
IN FAST/590/2018 WITH CA/802/2018 IN FAST/590/2018
WITH CA/803/2018 IN FAST/590/2018**

SAVITA BAPUSAHEB GULVE AND ORS ..Applicants

VERSUS

MANOJKUMAR MADHUKAR MALI AND ANR ..Respondents

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Advocate for Applicants : Shri S.B. Choudhari;
Advocate for Respondent No.2 : Shri V. N. Upadhye.

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CORAM : PR. BORA, J.

Dated: October 05, 2018

PER COURT :

1. Heard Shri Choudhari the learned Counsel appearing for the applicants and Shri Upadhye the learned Counsel appearing for respondent No.2 – Insurance Company.

2. Though the application is opposed by Shri Upadhye stating that, the involvement of the offending vehicle itself is disputed in occurrence of the alleged accident, it is brought to my notice by learned Counsel appearing for the applicants that, the respondent – Insurance Company has admitted the involvement of the offending vehicle in the matter before the Consumer Forum arising out of the same accident and has also paid the compensation of Rs.2,00,000/- and the said amount is deducted while determining the amount of compensation in the present matter. In view of the facts as aforesaid, apparently, the objection raised by the Insurance Company appears untenable.

3. Considering the objections raised, the following order is passed.

ORDER

(i) The applicants are permitted to withdraw 50% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar of this Court.

(ii) Balance 50% amount be invested in Fixed Deposit Receipt in any Nationalized Bank for the period till disposal of the appeal.

(iii) Civil Application No.11131 of 2018 stands disposed of.

(iv) Notice to serve respondent no.6 is extended by four weeks.

(v) Call for Record & Proceedings in the meantime.

(PR. BORA, J.)

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