

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

948 CIVIL APPLICATION NO. 13614 OF 2018
IN FA/814/2018 WITH CA/2623/2018 IN FA/813/2018 WITH
CA/2624/2018 IN FA/814/2018 WITH CA/2792/2018 IN
FA/813/2018

KALPANA SUBHASH SATHE AND ORS
VERSUS
HDFC ERGO GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER AURANGABAD AND ANR

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Advocate for Applicants : Mr. Markad Datraya R.
Mr. SS Dargad, Adv. h/for Mr. S. G. Chapalgoankar For
R/1.

CORAM : P.R. BORA, J.
DATED : 2nd November, 2018.

PER COURT:-

1. Heard learned counsel for applicants and learned counsel for insurance company.
2. The withdrawal is opposed by the learned counsel for the insurance company on the ground that though an offense was registered only against deceased rider of the motorcycle, the Motor Accident Claims Tribunal has wrongly held the entire negligence of the driver of the tempo, which was insured with the insurance company in occurrence of the alleged accident.
3. On perusal of the impugned judgment and after having considered the objections raised in exception to the said judgment, I deem it

(2)

appropriate to pass following order, -

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 amount be invested in Fixed Deposit Receipt in any nationalized Bank, initially for the period of two years and if so required, for the further period till disposal of the appeal.

iii) The Civil Application stands disposed of.

(P.R. BORA)
JUDGE

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