

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

CIVIL APPLICATION NO. 11820 OF 2018

IN

FIRST APPEAL NO. 1503 OF 2018

Sarika Rajesh Salunke & another.

Appellants.

Versus

United India Insurance Co. Ltd. & ors.

Respondents.

Mr. C.V. Dharurkar, Advocate for the appellants.

Mr. Swapnil Dargad, Advocate holding for

Mr. S.G. Chapalgaonkar, Advocate for the respondents.

CORAM : SUNIL K. KOTWAL, J.

Dated : 18 March 2019.

ORDER :-

. Heard Mr. Dharurkar, learned Counsel for the appellants and Mr. Dargad, learned Counsel holding for Mr. Chapalgaonkar, learned Counsel for the Insurance Company vehemently objected this application on the ground that involvement of the offending vehicle is in dispute. He has pointed out that registration number of the offending vehicle was informed to the police after 32 days of the accident.

2. I have gone through the judgment passed by the Tribunal. It emerges that the Tribunal relied on the evidence of Balaji Waghire (PW-3) who is one of the eye witness of the occurrence and the Tribunal found him reliable.

3. At this stage I cannot express anything on merits of the case. However, considering the overall circumstances of the case and the judgment passed by Tribunal, I find it proper to allow the applicants to withdraw 50 % amount of the compensation deposited by Insurance Company with proportionate accrued interest thereon, subjecting to filing of written undertaking in First Appeal to redeposit the withdrawn amount as and when directed by this Court. The undertaking shall be filed within the period of 8 weeks from the date of passing of this order. The remaining compensation amount shall be invested in fixed deposit in any Nationalized Bank till final disposal of the appeal.

4. Civil Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

vdd/