

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

**1056 CIVIL APPLICATION NO.12175 OF 2019
IN FAST/7835/2019**

**SHASHIPRABHA SANJAYSINGH AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY, AURANGABAD AND ANR**

...
Advocate for Applicants : Mr. Sangale Sominath M.
Advocate for Respondent No.1 : Mr. M. M. Ambhore
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of amount.
Amount of Rs.30,95,499/- has been deposited by the insurance company in
this Court.

2. Learned Advocate appearing for respondent No.1-insurance
company raises strong objection on the ground that the appeal has been
filed challenging the involvement of the vehicle insured with it in the said
accident. There was a delay of 07 days in filing First Information Report.
The person who gave the report was not examined by the claimants. So
also the owner of the offending vehicle had challenged the involvement of

his vehicle in the said accident. Therefore, the claimants had not discharged their burden of proof, yet, the tribunal has accepted the evidence that was laid by them.

3. Taking into consideration the fact that at present, the competent Court has come to the conclusion and then awarded the compensation, definitely, case is made out for partial withdrawal of the amount. Applicant Nos.2 and 3 being minors cannot be allowed to withdraw the amount. Applicant Nos.4 and 5 being the parents of the deceased are allowed to withdraw amount of Rs.4,00,000/- each. Applicant No.1-widow of the deceased, who is supposed to run the house, is allowed to withdraw amount of Rs.7,00,000/- each.

4. Applicants shall file an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

5. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM