

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

**34 CIVIL APPLICATION NO.13483 OF 2019
IN FAST/24975/2019**

**PUJA NAMDEO GHUGE AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS MANAGER AND ORS**

...

Advocate for Applicant : Mr. Dhakane Rajendra B.
Advocate for Respondent : Mr. S.G. Chapalgaonkar

...

AND

**35 CIVIL APPLICATION NO.13484/2019
IN FAST/24979/2019**

**BALBHIM NIVRUTTI RASANE AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS MANAGER AND ORS**

...

Advocate for Applicant : Mr. Dhakane Rajendra B.
Advocate for Respondent : Mr. S.G. Chapalgaonkar

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CORAM : MANGESH S. PATIL, J.

DATE : 20.11.2019

PER COURT :

Heard both the sides, the original claimants are seeking withdrawal of the amount deposited by the insurance company while preferring the First Appeals.

2. The learned advocate for the insurance company opposes

the applications. He submits that there is a serious dispute about the involvement of the offending vehicle. A specific defence was taken regarding it. Even attempt was made to call the investigating officer to substantiate the defence but the request was rejected by the Tribunal. The FIR has been lodged against an unknown vehicle. It is only after 30 days statements of the persons who are related to the claimants from FA(st) No.24979/2019 are recorded and the vehicle has been involved.

3. I have carefully gone through the papers. There is indeed a matter of dispute as regards involvement of vehicle which will have to be gone in the First Appeal. However, at this juncture it is sufficient to note that the offence has been registered against the offending vehicle driver, therefore, the claimants/applicants deserve to be allowed to withdraw 50% of the amount of the compensation by furnishing usual undertaking.

4. The applications are allowed. The applicants are allowed to withdraw 50% of the amount of compensation for the proportion mentioned in the awards subject to furnishing usual undertaking.

(MANGESH S. PATIL, J.)