

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

902 CIVIL APPLICATION NO.14220 OF 2019
IN FIRST APPEAL NO.2653 OF 2015

KONDABAI BALAJI SALUNKE AND OTHERS
VERSUS
M/S SHRIRAM INSURANCE COMPANY LTD. & ANOTHER

...
Advocate for Applicants : Mr.S.B.Madde
Advocate for Respondent no.1 : Mr.V.N.Upadhye

...
CORAM : V.L.ACHLIYA,J.
DATE : 19.12.2019

PER COURT:

1] The applicant has moved this Application seeking withdrawal of amount deposited by the appellant-Insurance Company.

2] Heard learned counsel for the applicants and the respondent no.1-Appellant-Insurance Company. Perused the judgment and award passed by the Tribunal.

3] In brief, it is the contention of the respondent no.1 - appellant - Insurance Company that the appellant has good case to succeed on merits. It is submitted that the appellant-Insurance company has disputed the involvement of the vehicle in the accident. The First Information Report was lodged after

5 days of accident. It is submitted that there was no involvement of the vehicle insured with the appellant—Insurance Company. It is further submitted that the deceased died on account of injury sustained due to his own negligence. He was ran over by motorcycle. He was riding after he fell down on road.

4] On due consideration of the submissions advanced, I am of the view that the following order will meet ends of justice:

ORDER

I] Out of the amount deposited by the appellant—Insurance Company, the applicant no.1 is allowed to withdraw Rs.1,50,000/-. The balance amount be invested in Fixed Deposit and interest accrued over the amount invested be paid to the applicant no.1 i.e. wife of the deceased after every three months till further orders.

II] The order of withdrawal of amount and payment of interest shall be subject to final outcome of Appeal.

III] Civil Application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

DDC