

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CIVIL APPLICATION NO. 4185 OF 2021
IN
FIRST APPEAL NO.1609 OF 2020

VARSHA JITENDRA PATIL AND ORS
VERSUS
CHOLAMANDALAM GENERAL INSURANCE CO. LTD., THR BR
MNGR,OBEROY TOWER,JALGAON RD, AURANGABAD

...
Advocate for Applicants : Mr. M.M.Bhokarikar
Advocate for Respondent No. 1 : Mr.S.G.Chapalgaonkar
....

CORAM : ANIL S. KILOR, J.

DATE : 1st APRIL, 2021

PER COURT :-

This application is filed by the applicants-original claimants for withdrawal of amount deposited by the respondent-Insurance Company in compliance of the Judgment and Award dated 26-11-2019, passed by the learned Member, Motor Accident Claims Tribunal, Jalgaon in Motor Accident Claims Petition No. 368 of 2013.

2. Heard learned counsel for the respective parties.
3. Learned counsel appearing for the applicants-claimants submits that the applicants are in need of money, and therefore, they may be permitted to withdraw the amount.
4. On the other hand, Mr. Chapalgaonkar, learned counsel appearing for the respondent-Insurance Company submits that he

has also challenged the quantum in this matter. Therefore, it would be difficult for the Insurance Company to recover the amount, if the applicants-claimants are permitted to withdraw the same.

5. To balance the rights of the parties, I am of the opinion that if the applicants are permitted to withdraw 50% of the amount deposited by Insurance Company, justice would be sub-served in this matter.

6. Accordingly, the applicants-claimants are permitted to withdraw 50% of the amount deposited by the respondent-Insurance company on furnishing undertaking to the effect that, in case, Insurance Company succeeds in the present matter and this Court directs the applicants-claimants to repay the amount back, they will deposit the amount so withdrawn within stipulated period.

6. Accordingly, application is partly allowed in above terms.

7. With this direction, the civil application is disposed of.

(ANIL S. KILOR)
JUDGE