

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

**15 CIVIL APPLICATION NO. 6195 OF 2020
IN FAST/10430/2017**

SANJAY SHARNAYYA TELANG

VS

**M/S SHRIRAM GENERAL INSURANCE COMPANY LTD,
SWITAPUR JAIPUR THR ITS MANAGER (LEGAL) AND ANR**

WITH

**16 CIVIL APPLICATION NO. 6254 OF 2020
IN FAST/10435/2017**

Mr. Ganesh J. Kore, Advocate for the applicants

Mr. V. N. Upadhye, Advocate for the respondent No.2

CORAM : N. J. JAMADAR, J.

DATE : 01-03-2021

P. C.

. These applications are preferred for withdrawal of amount alongwith interest accrued thereon, which has been deposited by the respondent No.1-Insurance Company, pursuant to award passed by the learned Member, MACT in MACP No. 46/2012.

2. The applicants aver that the applicants are in dire need of money for the purpose of medical expenses and for livelihood. There is no other earning member in their family.

3. Heard learned counsel for the applicants and learned counsel for the respondent No.1.

4. Learned counsel for the respondent No.1 opposed the prayer for withdrawal on the ground that the very factum of the insured vehicle being involved in the accident is in dispute. Learned counsel thus submitted that the appellants have strong case on merits.

5. From the perusal of the impugned judgment, it does not appear that issue was agitated before the the learned Member of the Tribunal. At any rate, the learned Member has not adverted to this aspect of the matter.

6. There are justifiable reasons in the applications for permitting the applicants to withdraw a portion of the amount deposited by the respondent No.1. Hence, the following order.

ORDER

- i. The applications stand partly allowed.
- ii. The applicants are permitted to withdraw 75% of the amount alongwith interest accrued thereon, on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this court.
- iii. The applications stand disposed of.

[N. J. JAMADAR, J.]