

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO.7392 OF 2020
IN FAST/28353/2019

RAMESHWARIDEVI VINOD SAINI AND ORS
VERSUS
CHANDRAKANT PRABHAKAR CHAUDHARI AND ANR

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

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 19.06.2021

ORDER :-

1. Heard learned Advocates appearing for the claimants and respondent No.1.

2. Learned Advocate Mr. Chapalgaonkar has strong objection for withdrawal of any amount. He submitted that the appeal has been filed on the ground that the vehicle insured with the appellant – original respondent No.2 has been falsely involved that too in connivance with one Pramod Bhaskar Sonar, who is stated to be the driver of the said vehicle as well as one Salunkhe, who had changed his own statement after about three months. The insurance company has led evidence to support its contention that it is a false claim against the insurance company and, therefore, he prayed for condonation of delay and taking

up the appeal itself for final hearing.

3. At this stage, taking into consideration the evidence that has been led, a competent Tribunal has come to the conclusion that the vehicle insured with the appellant – original respondent No.2 was involved in the accident. Under such circumstance, partial withdrawal is permissible. The amount which is deposited as per the order passed by this Court is Rs.16,90,453/- apart from the statutory amount. As regards present application is concerned, applicant Nos.5 and 6 appears to be minors and, therefore, their amount cannot be allowed to be withdrawn and therefore, withdrawal can be permitted to applicant Nos.1 to 4 and 7 only.

4. Taking into consideration the amount that has been deposited, applicant Nos.1 to 4 and 7 are permitted to withdraw the amount of Rs.2,00,000/- each, subject to filing an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of disposal of the first appeal.

5. Application stands disposed of accordingly.

[SMT. VIBHA KANKANWADI, J.]

scm