

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

**934 CIVIL APPLICATION NO.5203 OF 2022
IN
FA/87/2021**

**DWARKA SHANKAR KHANDAGALE AND OTHERS
VERSUS
THE SHRIRAM GENERAL INSURANCE COMPANY, THROUGH ITS
MANAGER, PUNE AND OTHERS**

...

Advocate for Applicants: Mr. Rahul B. Temak
Advocate for Respondent No.1: Mr. V. N. Upadhye

...

CORAM: SHRIKANT D. KULKARNI, J.

DATE: 08th APRIL, 2022

PER COURT:

1. It is an application for withdrawal of compensation amount moved by the applicants / claimants.

2. Heard Mr. Rahul B. Temak, learned Counsel for the applicants / claimants and Mr. V. N. Upadhye, learned Counsel for the insurance company.

3. The appellant / insurance company has filed the appeal mainly on the ground of false involvement of the vehicle in the background of 17 days delay in lodging of F.I.R. That defence would

be taken into consideration at the time of final hearing of the appeal. The family of the claimants seems to have lost earning member of the family. By considering this aspect and looking to the need of money, I am of the considered view to allow the claimants / applicants to withdraw 50% of the amount of compensation with accrued interest thereon which would meet the ends of justice and protect interest of the insurance company also.

ORDER

[I] The application is hereby allowed.

[II] The applicants / claimants are hereby permitted to withdraw 50% of the amount of compensation on furnishing solvent security / surety to the satisfaction of the Registrar (Judicial) of this Court.

4. Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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