

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

27 CIVIL APPLICATION NO.8326 OF 2022
IN FA/4236/2016

NOOR MOHAMMAD SAYYED SAHEB SHAIKH AND ANR
VERSUS
HDFC ERGO GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER AURANGABAD AND ORS

...
Advocate for Applicants : Mr. Yenegure Apparao
AGP for Respondent No.1: Mr. S.G.Chapalgaonkar
Advocate for respondent No.3 : Mr. V.r. Mundada
....

CORAM : S. G. DIGE, J.
DATE : 17.08.2022

PER COURT :-

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

2. Learned counsel for the applicants submits that respondent No.1 has challenged the judgment and award passed by learned Motor Accident Claim Tribunal, Osmanabad before this Court and has deposited 50% award amount. The applicants are in need of money for their day to day business. They are poor persons and they are facing hardship as the Karta of the family is died in the accident. Hence, requested to allow the application.

3. Learned counsel for respondent No.1 submits that in the claim petition filed by the applicants, the negligence is

shown on the part of respondent No.3. In the FIR also, no negligence of respondent No.1 i.e. driver of the alleged offending car is mentioned, in spite of that learned Tribunal has directed to pay compensation jointly and severally by fastening liability on respondent No.1. Hence, requested to dismiss the application.

4. I have heard all learned counsel. The deceased was Karta of the applicants family is died in the accident. The respondent No.1 is challenging its role in the accident. This fact can be considered at the final hearing of the appeal. The applicants are in need of money for their day to day expenses. Hence I pass the following order.

ORDER

- (i) Application is allowed.
- (ii) Applicants are permitted to withdraw 50% amount out of deposited amount by respondent No.1 along with accrued interest thereon on furnishing undertaking.

**(S.G. DIGE,)
JUDGE**