

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 15179 OF 2022 IN
FIRST APPEAL NO. 2262 OF 2022**

Baludas Totaram Patil & another Applicants

Versus

Manohar Totaram Patil & another Respondents

Mr. Amit S. Savale, advocate for the Applicants
Mr. A. G. Choudhari, advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06th December, 2022.

PC :

Heard.

Issue notice to the respondents, returnable on
24.01.2023.

Learned Counsel Mr. Choudhari waives notice for
Respondent No.2-Insurance Company.

The applicants, being the original claimants, are
seeking withdrawal of compensation amount which has been
deposited by the appellant-Insurance Company.

The learned Counsel for the Insurance Company
strongly opposed the application on the ground that in police
papers, it was shown that since the motorcycle got slipped,

the rider died consequently. He also suspected about involvement of the vehicle. He further submits that whether the deceased was driving the offending motorcycle is also in dispute.

However, this appears to be a claim petition under Section 163-A of the Motor Vehicles Act, wherein it is to be seen that the accident should have been arisen out of use of motorcycle.

In view of the same, the applicants are permitted to withdraw the entire amount of compensation along with accrued interest thereon till date on furnishing undertaking to the satisfaction of Registrar (J) of this Court that in case the appeal filed by the Insurance Company is allowed and the impugned award is set aside, they would re-deposit the aforesaid amount of compensation along with the interest, without any delay.

Civil Application stands disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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

FIRST APPEAL NO. 2262 OF 2022

ICICI Lombard General Insurance
Co. Ltd.

Appellants

Versus

Baludas Totaram Patil & another

Respondents

Mr. A. G. Choudhari, advocate for the appellant
Mr. Amit S. Savale, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06th December, 2022.

PC :

Heard.

Issue notice to the respondents, returnable on
24.01.2023.

Learned Counsel Mr. Savale waives notice for
Respondents No.1 & 2.

**(SANDIPKUMAR C. MORE)
JUDGE**

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