

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.673 OF 2023 IN
FIRST APPEAL NO. 2810 OF 2022

Kantabai Govindrao Pawar & others Applicants

Versus

Shaikh Asif Shaikh Babu & another Respondents

Mr. V. D. Patnurkar, advocate for the Applicants
Mr. R. H. Dahat, advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 20th February, 2023.

PC :

Heard rival submissions.

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

The learned Counsel for the Insurance Company strongly opposed the application on the ground that the vehicle involved in the accident was, in fact, implanted afterwards as there was no reference of the same either in spot *panchanama* or inquest *panchanama*. He further

submits that the person, who had shown the spot of incident, belatedly claimed that the alleged offending vehicle was involved in the accident.

However, it appears that the Insurance Company has not examined owner of the said offending vehicle to substantiate its claim of non involvement of the vehicle. Therefore, without prejudice to the right of Insurance Company in respect of such defence, the applicants-claimants are permitted to withdraw 75% of the deposited amount along with proportionate interest accrued thereon by furnishing usual undertaking before the Registrar (J) of this Court as per the apportionment made by the learned Tribunal. The remaining amount be invested in FDR, in any Nationalised Bank, on yearly renewal basis till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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