

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

942 CIVIL APPLICATION NO.7169 OF 2022
IN FA/2998/2023
WITH CA/2663/2021 IN FA/2998/2023
WITH
FIRST APPEAL NO.2998 OF 2023

GOKARNA @ POOJA PANDHARINATH SURYAWANSHI
AND ORS
VERSUS
THE BRANCH MANAGER SHRIRAM GENERAL INSURANCE
CO. LTD., THR ITS BRANCH MANAGER, AND ANR

...
Advocate for Applicants : Mr.R.P.Adgaonkar
Advocate for Respondent no.1 : Mr.V.N.Upadhye
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 07.11.2023

P.C. :

**A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL**

1] The First Appeal is filed by the Insurance Company on the ground that there was no employer employee relation between the deceased and owner of the vehicle. However, the Commissioner has held that while the application for release of the vehicle was filed with the concerned Court, the remarks indicated that the deceased was driver of the vehicle. On the basis of such evidence, the

authority has held that there is employer employee relation between deceased and car owner.

2] The present Civil Application is filed by the widow, two minor children and mother of the deceased. I deem it appropriate that the applicants, widow and mother of the deceased, are permitted to withdraw 60% of the amount deposited before the Tribunal in the proportion of their share on furnishing usual undertaking to the satisfaction of the Presiding Officer of the Tribunal. The amount as regards minor's share and balance amount be kept in FDR.

B] ORDER IN CIVIL APPLICATION FOR STAY

Since the appellant – Insurance Compnay has deposited the amount as directed by this Court, the interim stay granted earlier by this Court stands confirmed. Civil Application is disposed of accordingly.

C] ORDER IN FIRST APPEAL

1] First Appeal is admitted. On admission, Mr.R.P.Adgaonkar, learned counsel waives notice for respondent nos.1 to 4.

2] Call R. & P.

3] Liberty to file application for hearing of the appeal after six months.

[ARUN R. PEDNEKER]
JUDGE

DDC