

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

922 CIVIL APPLICATION NO.3247 OF 2023
IN FA/4013/2022 WITH CA/17157/2022 IN FA/4013/2022

VITTHAL SHAHADEV SHEJAL
VERSUS
UNITED INDIA INSURANCE CO LTD THROUGH ITS BRANCH
MANAGER

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Advocate for Applicant : Mr. S. S. Dargad
Advocate for Respondent No.1 : Mr. S. S. Rath
Advocate for Respondent No.2 : Mr. S. A. Nimbalkar h/f
Mr. Y. K. Bobade

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 10/03/2023.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.3247 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the insurance company alongwith the interest accrued thereon.
3. The learned counsel for the insurance company opposed the application on the ground that there was a huge delay in lodging FIR due to which the involvement of vehicle appears to be doubtful.
4. However, it appears that the injured – claimant was bed-ridden after the accident and therefore, could not lodge FIR promptly. Further, the owner and driver of the offending vehicle have also not disputed the accident. In view of the same, the applicant - claimant is permitted to withdraw 50% of the

compensation alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.17157 OF 2022:

Since the appellant - insurance company has deposited entire amount of compensation alongwith the interest, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)