

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

923 CIVIL APPLICATION NO.7091 OF 2023
IN FA/565/2021 WITH CA/3223/2023 IN FA/565/2021 WITH
CA/16299/2022 IN FA/3752/2018

BEBI GORAKH @ GORAKSHNATH SHINDE AND OTHERS
VERSUS
M/S SHRIRAM GENERAL INSURANCE CO. LTD, THROUGH ITS
BRANCH MANAGER, AURANGABAD AND ANOTHER

...

Mr. G.B. Rajale, Advocate for the applicants.

Mr. S.S. Rathi, Advocate for respondent No.1.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 14th June 2023.

ORDER:-

IN CIVIL APPLICATION NO. 7091 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of entire amount of compensation i.e. Rs. 1,50,000/- being the legal heirs of deceased respondent Shantabai Vishnu Shinde alongwith the interest accrued thereon, which has been deposited by the appellant - Insurance Company
3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that the involvement of vehicle was in serious doubt, but the learned Tribunal ignored the same.
4. However, it seems that the owner of offending Dumper remained absent and the police papers show that the said owner had in fact told the police about involvement of his vehicle in the accident. Therefore, considering this aspect, the applicants are permitted to withdraw only 50% of the

deposited amount of Rs. 1,50,000/- falling to the share of deceased Shantabai alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The civil application is accordingly disposed of.

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.

IN CIVIL APPLICATION NO. 3223 OF 2023 :

1. Heard rival submissions.

2. The applicants who are original claimant Nos.1 to 5, are seeking withdrawal of entire amount of compensation falling to their respective shares as determined by the learned Tribunal, which has been deposited by the appellant - Insurance Company

3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that the involvement of vehicle was in serious doubt, but the learned Tribunal ignored the same.

4. However, it seems that the owner of offending Dumper remained absent and the police papers show that the said owner had in fact told the police about involvement of his vehicle in the accident. Therefore, considering this aspect, the applicants are permitted to withdraw only 50% amounts falling to their shares 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.

IN CIVIL APPLICATION NO. 16299 OF 2022 :

1. Heard rival submissions.

2. The applicant who is the original claimant is seeking withdrawal of entire amount of compensation, which has been deposited by the appellant - Insurance Company

3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that the involvement of vehicle was in serious doubt, but the learned Tribunal ignored the same.

4. However, it seems that the owner of offending Dumper remained absent and the police papers show that the said owner had in fact told the police about involvement of his vehicle in the accident. Therefore, considering this aspect, the applicant is permitted to withdraw only 50% amounts of 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.

(SANDIPKUMAR C. MORE, J.)