

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

45 CIVIL APPLICATION NO.11725 OF 2023
IN FAST/19723/2023

TAISHIM ALTAF SAYYAD & OTHERS
VERSUS
THE BRANCH MANAGER NEW INDIA ASSURANCE
COMPANY LTD & ANOTHER

...

Advocate for the applicants : Mr.D.R.Adhav
Advocate for Respondent no.1 : Mr.M.R.Deshmukh

...

WITH

CIVIL APPLICATION NO.7907 OF 2023
IN FAST/19723/2023

WITH

CIVIL APPLICATION NO.7908 OF 2023
IN FAST/19723/2023

WITH

FIRST APPEAL STAMP NO.19723 OF 2023

...

THE BRANCH MANAGER NEW INDIA ASSURANCE
COMPANY LTD

VERSUS

TAISHIM ALTAF SAYYAD & OTHERS

...

Advocate for the applicants : Mr.M.R.Deshmukh
Advocate for Respondent nos.1 to 4 : Mr.D.R.Adhav

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 20.09.2023

P.C. :

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

1] Heard the learned counsel for the parties.

2] The First Appeal is filed by the Insurance Company challenging the award and grant of compensation by the Motor Accident Claims Tribunal. The Insurance Company has deposited Rs.22,29,000/- towards claim in this Court.

3] The present Civil Application is filed for withdrawal of the amount by the widow, two major and one minor daughters.

4] The appeal filed by the Insurance Company is based on non-involvement of the insured vehicle in the accident. However, the Tribunal has relied upon the evidence of PW-4 and has reached to the finding that the vehicle insured was involved in the accident.

5] It is informed that the charge sheet is filed in the matter against the vehicle and criminal case is also pending against the driver of the vehicle.

6] In view of the same, the applicants are permitted to withdraw 50% of the amount deposited in this Court subject to filing of usual undertaking to the

satisfaction of the Registrar [Judicial] of this Court. Undertaking to be given only by the widow and two major daughters.

7] Civil Application is disposed of accordingly.

B] ORDER IN CIVIL APPLICATION FOR DELAY

1] The present Civil Application is filed to condone the delay in filing the First Appeal.

2] For the reasons stated in the Civil Application, the same is allowed. Delay of 46 days is condoned. Appeal be registered. Civil Application is disposed of accordingly. The appellant to remove all office objections within four weeks.

C] ORDER IN CIVIL APPLICATION FOR STAY

The Insurance Company has deposited the entire award amount in this Court. In view of the same, earlier stay granted by this Court is confirmed and accordingly Civil Application is disposed of.

D] ORDER IN FIRST APPEAL

1] Issue notice to the respondent no.5, returnable on 8th November, 2023.

2] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE

DDC