

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

960 CIVIL APPLICATION NO.11232 OF 2023
IN FAST/16397/2023

PRAMILA PANDIT TEKALE & OTHERS
VERSUS
NATIONAL INSURANCE COMPANY LTD

...

Advocate for Applicants : Mr.M.C.Ghode
Advocate for Respondent no.1 : Mr.A.B.Gatne

...

WITH

CIVIL APPLICATION NO.8010 OF 2023
IN FAST/16397/2023

WITH

CIVIL APPLICATION NO.8011 OF 2023
IN FAST/16397/2023

WITH

FIRST APPEAL STAMP NO.16397 OF 2023

...

THE BRANCH MANAGER, NATIONAL INSURANCE
CO.LTD.

VERSUS

PRAMILA PANDIT TEKALE & OTHERS

...

Advocate for the applicant : Mr.A.B.Gatne
Advocate for the respondent nos.1 to 3 : Mr.M.C.Ghode

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27.09.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL OF AMOUNT

1] Heard the learned counsel for the parties.

2] The present Civil Application is filed for withdrawal of the amount deposited by the Insurance company in this Court.

3] The present First Appeal is filed by the National Insurance Company challenging the award passed by the Motor Accident Claims Tribunal on the ground of non-involvement of the vehicle in the accident.

4] The learned counsel for the respondent no.1 submits that the FIR is lodged after 5 days of the accident and there is serious doubt as regards involvement of the vehicle in the accident.

5] Heard the learned counsel for the parties. The investigation is already done by the police and the charge sheet is filed against the driver of the insured vehicle. Thus, I deem it appropriate to permit the applicants to withdraw 50% amount deposited in this Court along with interest accrued thereon on furnishing usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. On the request of the learned Advocate for the applicant, the amount be disbursed in the account of the widow. Undertaking to be filed by the majors only. Civil Application is disposed of accordingly.

B] ORDER IN CIVIL APPLICATION FOR DELAY

1] The present Civil Application is filed to condone the delay of 62 days in filing the First Appeal.

2] For the reasons stated in the Civil Application, the same is allowed. Delay is condoned. Appeal be registered. Civil Application is disposed of accordingly.

C] ORDER IN CIVIL APPLICATION FOR STAY

The applicant – Insurance Company has deposited entire award amount in this Court. The interim stay granted by this Court stands confirmed. Civil Application is disposed of accordingly.

D] ORDER IN FIRST APPEAL

1] First Appeal is **admitted**.

2] On admission, Mr.M.C.Ghode, learned counsel waives notice for the respondent nos.1 to 3.

3] Call R. & P.

4] Office objections, if any, to be removed within four weeks from today.

[ARUN R. PEDNEKER]
JUDGE