

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

911 CIVIL APPLICATION NO.12194 OF 2023
IN FAST/13193/2023 WITH CA/7212/2023 IN FAST/13193/2023 WITH CA/
7213/2023 IN FAST/13193/2023

**PRAJAWALA SANDIP PANSARE AND ORS
VERSUS
THE RELIANCE GENERAL INSURANCE COMPANY LTD THROUGH ITS
BRANCH MANAGER AND ANR**

...
Advocate for Applicants : Mr. R.L. Kute
Advocate for Respondent 1 : Mr. S.S. Patil h/f. Mr. R.H. Dahat
...

**CORAM : ARUN R. PEDNEKER, J.
DATED : 10/11/2023**

PER COURT :

1. Heard the learned counsel for the parties.
2. The present appeal is filed on the ground of non involvement of the insured vehicle. However, on perusal of the judgment and award of the Tribunal, it appears that the Tribunal, on the basis of complaint made by the pillion rider that yellow coloured vehicle was involved in the accident, there was investigation, and chargesheet was filed in the matter against the owner of insured vehicle, has rendered a finding that the insured vehicle was involved in the accident.
3. In view of the above finding rendered by the Tribunal, applicant No. 1, 3 and 4 are permitted to withdraw 40%, 10% and 20%, respectively, of the compensation amount deposited in this Court to the extent of their share, in terms of the order of the Tribunal on usual undertaking to the satisfaction of the Registrar Judicial of this Court. The Tribunal has permitted the above applicants to withdraw interest quarterly. In view of the same, the above applicants are permitted to withdraw interest as per

the order of the Tribunal. The compensation amount to the extent of share of applicant No. 2 be kept in fixed deposit as directed by the Tribunal till applicant No. 2 attends the majority. Civil Application filed for withdrawal of amount is disposed of accordingly.

4. For the reasons stated in the delay condonation application, the delay of 5 days caused in filing the appeal is condoned. The application is allowed and disposed of.

5. Since the appellant Acquiring Body has deposited the amount of compensation as directed by this Court, the ad-interim stay granted earlier is confirmed. Stay application is disposed of.

6. Appeal is **admitted**.

7. On admission, Mr. R.L. Kute, learned counsel waives service of notice for original claimants.

8. Call R. & P.

[ARUN R. PEDNEKER J.]

ssc/