

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

142 CIVIL APPLICATION NO.11144 OF 2023
IN FAST/31690/2022

PUJA KAMLESH PATIL & OTHERS
VERSUS
CHOLAMANDALAM M.S.GENERAL INSURANCE CO.LTD &
ANOTHER

...

Advocate for the applicants : Mr.M.S.Shah
Advocate for Respondent : Mr.A.S.Usmanpurkar

...

WITH

CIVIL APPLICATION NO.17012 OF 2022
IN FAST/31690/2022
WITH CA/17013/2022 IN FAST/31690/2022
WITH
FIRST APPEAL STAMP NO.31690 OF 2022

...

CHOLAMANDALAM M.S.GENERAL INSURANCE CO. LTD
VERSUS
PUJA KAMLESH PATIL & OTHERS

...

Advocate for the applicant : Mr.A.S.Usmanpurkar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 11.09.2023

P.C. :

1] The present Civil Application is filed to withdraw the amount of compensation deposited by the acquiring body in this Court.

2] The Insurance Company has filed the First

Appeal against the order passed by the Motor Accident Claims Tribunal challenging the compensation award to claimant on account of death of the husband of the claimant.

3] It is the contention of the appellant that the driver of the vehicle which meet with accident was being driven by the deceased husband of the applicant no.1 who was not holding a valid licence and the driver is changed only to get compensation. However, the Tribunal has held otherwise.

4] The applicant nos.2 and 3 are the minors the applicant no.1 is the wife of the deceased and applicant nos. 4 and 5 are the parents of the deceased.

5] In view of the same, the applicants are permitted to withdraw the 50% of the amount of award along with interest accrued thereon on usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. Undertaking to be only given by the widow and parent of the deceased. 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 46 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

Since the appellant acquiring body has deposited the entire amount, the earlier stay granted by this Court is confirmed. Civil Application is disposed of accordingly.

D] ORDER IN FIRST APPEAL

1] First Appeal is **admitted**.

2] On admission, Mr.M.S.Shah, learned counsel waives notice for the respondent nos.1 to 5.

**[ARUN R. PEDNEKER]
JUDGE**

DDC