

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

909 CIVIL APPLICATION NO.13283 OF 2023
IN FAST/19088/2023
WITH CA/7813/2023 IN FAST/19088/2023
WITH CA/7814/2023 IN FAST/19088/2023

USHABAI HARI SHINDE & OTHERS
VERSUS
THE MANAGER, THE ORIENTAL INSURANCE CO.LTD AND
OTHERS

...
Advocate for Applicants : Mr.M.D.Shinde
Advocate for Respondent no.1 : Mr.R.F.Totala
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 02.11.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL

1] The present civil application is filed by the wife,
mother of the deceased and two minor children, for
withdrawal of the amount deposited by the Insurance
Company in this Court.

2] The learned counsel for the applicants submits
that the applicants may be permitted to withdraw the
amount deposited in this Court. The learned counsel further
submits that the amount deposited in this Court may be

transmitted to the learned Member, Motor Accident Claims Tribunal, Nilanga in MACP No.04/2020.

3] In view of the same, the amount deposited in this Court along with interest accrued thereon be transmitted to the learned Member, Motor Accident claims Tribunal, Nilanga in MACP No.04/2020. On transmission, the applicants, mother of the deceased and wife of the deceased, are permitted to withdraw 60% of amount of compensation along with interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Presiding Officer, Motor Accident Claims Tribunal, Nilanga. Civil Application is disposed of accordingly. Amount of minors be kept in FDR.

B] ORDER IN CIVIL APPLICATION FOR DELAY

1] The present Civil Application is filed to condone the delay of 44 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 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. On admission, Mr. Manoj D. Shinde, learned counsel waives notice for respondent nos. 1 to 5.

2] Call R. & P.

3] The appellant to take steps to bring on record the legal heirs of the deceased respondent no. 4.

[ARUN R. PEDNEKER]
JUDGE

DDC