

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 CIVIL APPLICATION NO.13803 OF 2023
IN FAST/14423/2023 WITH CA/5902/2023 IN
FAST/14423/2023 WITH CA/5903/2023 IN
FAST/14423/2023

SANGITA SANJAY SATPUTE AND ORS
VERSUS
THE ORIENTAL INSURANCE CO.LTD
THROUGH ITS AUTHORIZED SIGNATORY AND ANR

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Advocate for Applicants:
Mr. Swapnil Sunilkumar Dargad
Advocate for Respondent No.1:
Mr. Swapnil V. Lohiya h/f. Mr. R. F. Totala

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CORAM : ARUN R. PEDNEKER, J.
DATE : 09th NOVEMBER, 2023

PER COURT:

1. Heard.

2. The present first appeal is filed on the ground of non involvement of the vehicle. However, at Paragraph No.15, of the impugned judgment, the tribunal has held that the insured vehicle was involved in the accident and has observed as under:

"15. Record shows that Santosh, who had brought the body to District Hospital, Beed had given an intimation to PHC present in police Chowki of District Hospital, Beed on the same day. It is

true that it is not clear whether said intimation was got recorded in Chowki but it seems that papers reached to Talwada Police Station on 20.03.2018. Thus, as on 20.03.2018, FIR of Santosh was got lodged in said police Station.

Print FIR is at Exh. 28"

3. Civil Application No.13803 of 2023 is filed for withdrawal of amount by widow, mother and 2 minor children.

4. The amount as directed for the benefit of the minor is to be kept in fixed deposit and liberty is granted to the applicants as and when exigency arises towards the education or medical expenses of the minor or they attain the majority.

5. The widow and the mother is permitted to withdraw 60% of the amount deposited in this court from the part of their share along with accrued interest thereon till date, subject to furnishing undertaking of the widow and mother to the satisfaction of the Registrar (Judicial) of this court.

6. The interest component of the fixed deposits of the minors to be quarterly paid to the widow so as to enable her take care of the minors.

7. The civil application for withdrawal of amount stands disposed of.

8. For the reasons mention in the civil application for condonation of delay, the delay of 80 days is condoned. The civil application for condonation of delay stands disposed of.

9. The interim stay granted by this court stands confirmed. The civil application for stay stands disposed of.

10. The First Appeal is **admitted**. On admission, Mr. Swapnil Sunilkumar Dargad, learned counsel waives notice for the respective respondents. Call R & P. Office objections, if any, to be removed within a period of four (04) weeks from today.

[ARUN R. PEDNEKER, J.]

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