

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

**970 CIVIL APPLICATION NO.13808 OF 2023
IN FA/2987/2023 WITH CA/10044/2023 IN
FA/2987/2023**

**SHEETAL SATYANARAYAN GURKHUDE AND ORS
VERSUS
SHRIRAM GENERAL INSURANCE COMPANY LIMITED TROUGHT
ITS AUTHORISED SIGNATORY AND ANR**

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**Advocate for Applicants:
Mr. Dargad Swapnil Sunilkumar
Advocate for Respondent No.1:
Mr. Anand Dale h/f. Mr. S. S. Rathi**

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

PER COURT:

1. The present first appeal is filed by the insurance company on the ground of non involvement of the vehicle and quantum. The learned counsel for the appellant submits that there is a delay of 96 days in filing the F.I.R. However, in the instant case, charge-sheet is filed, so also, the accident report is also on record. Based on the above documents, the tribunal has rendered finding that the vehicle is involved in the accident.

2. Civil Application No.13808 of 2023 for withdrawal of amount is filed by the widow, mother of the deceased so also by the minor applicant.

3. The amount of minor be kept in fixed deposit and it is not permitted to be withdrawn at this moment, till attaining the age of majority.

4. As regards the widow and mother are concerned, they are permitted to withdraw 60% amount deposited in this court along with accrued interest thereon till date in terms of the apportionment towards the share of the applicants, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court. In the event of exigency or educational expenses of the minor liberty granted.

5. The application for withdrawal of amount stands disposed of.

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

7. The First Appeal is **admitted.** On admission, Mr. Swapnil Sunilkumar Dargad, learned counsel waives notice for respondents no.1 to 3. 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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