

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

**CIVIL APPLICATION NO.13187 OF 2022 IN
FIRST APPEAL ST. NO. 23787 OF 2022**

Chola Mandalam MS General
Insurance Company Ltd.

Applicant

Versus

Faujiya wd/o Isa Aljilani & others

Respondents

Mr. A. S. Usmanpurkar, advocate for the Applicant
Mr. P. C. Mayure, advocate for Respondents No.1 to 5

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st February, 2023.

PC :

At the request of learned Counsel for the
appellant-Insurance Company, issue fresh notice to
Respondent No.8, returnable on 01.03.2023.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb

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

**CIVIL APPLICATION NO.17160 OF 2022 IN
FIRST APPEAL ST. NO. 23787 OF 2022**

Faujiya wd/o Isa Aljilani & others Applicants

Versus

Chola Mandalam MS General Insurance
Company Ltd. & others Respondents

Mr. P. C. Mayure, advocate for the Applicants
Mr. A. S. Usmanpurkar, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st February, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the respondent-Insurance Company, who has filed this appeal.

The learned Counsel for the Respondent-Insurance Company strongly opposed the application on the ground that the deceased, in the instant matter, was in fact driving the auto rickshaw who gave dash to the stationary

truck. However, the learned Tribunal, in its judgment, has observed that the entire negligence was on the part of the driver of that stationary truck who carelessly parked the same on the road itself. Moreover, in another matter, arising out of the same accident, this Court has already permitted the applicants therein to withdraw 50% of the compensation amount.

In view of the same, the applicants herein are permitted to withdraw 50% of the deposited amount along with proportionate accrued interest thereon by furnishing usual understanding to the satisfaction of Registrar (J) of this Court. The remaining amount be invested in FDR in any Nationalised Bank on yearly renewal basis till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO.13188 OF 2022 IN
FIRST APPEAL ST. NO. 23787 OF 2022**

Chola Mandalam MS General
Insurance Company Ltd.

Applicant

Versus

Faujiya wd/o Isa Aljilani & others

Respondents

Mr. A. S. Usmanpurkar, advocate for the Applicant
Mr. P. C. Mayure, advocate for Respondents No.1 to 5

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st February, 2023.

PC :

Since the appellant-Insurance Company has deposited entire amount of compensation along with the interest, Civil Application is made absolute in terms of prayer clause "B" and is disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb