



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CIVIL APPLICATION NO.14623 OF 2023
IN FAST/24370/2023 WITH CA/9845/2023 IN FAST/24370/2023 WITH
CA/9846/2023 IN FAST/24370/2023

SUREKHA BHIMRAO GAIKWAD AND ORS
VERSUS
THE CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LTD

...
Advocate for Applicants : Mr. Patil Shrikant S.
Advocate for Respondent No.1 : Mr. A. G. Choudhari
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 08/12/2023

PER COURT :

1. Heard the learned Advocate appearing on behalf of respective parties.
2. The present appeal is filed by the Insurance Company against the order of the Tribunal on the ground of contributory negligence of the deceased.
3. The Civil Application No.9845 of 2023 is filed for condonation of delay of 192 days. For the reasons stated in the application, the application for delay condonation is allowed and disposed of accordingly.
4. The Civil Application No.14623 of 2023 is filed for withdrawal of amount. Without going into the merits of the matter, I deem it

appropriate to allow the applicants to withdraw 50% of the deposited compensation amount along with accrued interest thereon till date to the extent of their shares as directed by the Tribunal, subject to filing of undertaking to the satisfaction of the Presiding Officer of the Motor Accident Claim Tribunal, Dhule. The application for withdrawal of amount stands allowed in terms of prayer Clause 'B' and 'C', and disposed of.

5. Civil Application No.9846 of 2023 is filed for Stay, the learned Advocate for the applicant submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the Stay order passed by this Court dated 09/08/2023, in the application for stay, is confirmed. The application filed for Stay stands disposed of.

6. The appeal is **admitted**.

7. After admission of the appeal, the learned Advocate Mr. S. S. Patil waives service of notice on behalf of respondents No.1 to 6.

(ARUN R. PEDNEKER, J.)

vj gawade/-.