



This order is corrected as per the speaking to minute order dated 22.10.2024.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

45 CIVIL APPLICATION NO. 10691 OF 2024
IN FAST/421/2024

WITH

CIVIL APPLICATION NO. 1123 OF 2024
IN FAST/421/2024

WITH

CIVIL APPLICATION NO. 1124 OF 2024
IN FAST/421/2024

YASMIN IRSHAD KHAN PATHAN AND OTHERS

VERSUS

CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LTD
THROUGH ITS BRANCH MANAGER

...

Advocate for Applicants : Mr. A.A. Kanade h/f Mr. Manoj
Dharmaraj Shinde

Advocate for Respondent No.1 : Mr. Abhijit G. Choudhari

...

CORAM : KISHORE C. SANT, J.

DATE : 10.10.2024.

PER COURT :

WITHDRAWAL

1. Heard the parties for some time.
2. This application is filed for withdrawal of the amount deposited by the Insurance Company in the office of this Court.

3. The appellant has vehemently opposed the application. It submits that the informant Shivaji had given the name of Munwar Khan Saleem Khan as driver of the rickshaw after 7 days of filing of the FIR and in supplementary statement he gave name of one another man Imran @ Ibrahim son of S. Isaak as driver, the story of the prosecution thus appears to be doubtful and on that ground he opposes the application.

4. The applicant Nos. 2 and 3 are minor, therefore, the amount to the extent of their share cannot be permitted to be withdrawn, hence this Court is inclined to pass following order :

ORDER

(i) The applicant **Nos. 1 and 4** is permitted to withdraw 50% of the amount deposited alongwith accrued interest on furnishing usual undertaking before MACT, Parbhani.

(ii) Further 25% of the amount deposited is permitted to withdraw alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the Member/President of the MACT, Parbhani.

(iii) The amount to the extent of minor

applicant **2 & 3** be kept in fixed deposits in any nationalized bank, to be renewed from time to time, till they attain the majority and quarterly interest accumulated on the said deposited amount be permitted to be transferred in the account of applicant No. 1.

(iv) Remaining amount be kept in fixed deposits in any nationalized bank, to be renewed from time to time, till final disposal of the appeal.

(v) For the purpose of withdrawal of above said amounts the office of this Court to transmit the amount to the MACT, Parbhani.

(vi) The Civil Application stands allowed and disposed off.

STAY

1. Since the entire amount is already deposited in the office of this Court by the insurance Company, there shall be stay to the execution and operation of the impugned judgment and award as per prayer Clause (B).

DELAY

1. This application is filed for condonation of delay of 36 days caused in filing appeal.
2. For the reasons stated in the application, the application stands allowed. Delay stands condoned. The application stands allowed and disposed off.
3. Office to register the First Appeal.

FIRST APPEAL (ST) 421 OF 2024

1. Call R & P.
2. Parties are put to notice that they are at liberty to move this Court after receipt of the R & P for final disposal of the appeal at the stage of admission.

(KISHORE C. SANT)
JUDGE

mahajansb/