



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 CIVIL APPLICATION NO. 1446 OF 2024
IN FA/1047/2024

Archana Appa Lambole And Ors

VERSUS

United India Insurance Company Ltd Through Its Branch Manager And Anr

...

Advocate for Applicants : Mr. Shaikh Mazhar A. Jahagirdar

Advocate for Respondent 2 : Mr. A.B. Gatne

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CORAM : KISHORE C. SANT, J.

Dated : July 04, 2024

PER COURT :-

1. Heard.
2. This application is moved seeking withdrawal of the amount deposited by the appellant/Insurance Company in this Court pursuant to the judgment and award passed by the learned Member, MACT, Shrirampur in MACP No. 53/2003.
3. The application is vehemently opposed by learned advocate Mr. Gatne for the appellant. He submits that the income of the deceased is considered on higher side. The deceased was not paying the income tax and no income tax returns are filed on record. He submits that the deceased was only selling Chana-Phutana. There ought to have been something to show that the earning was Rs.20,000/- p.m. He further submits that the main ground in the appeal is about valid permit and fitness certificate of the offending vehicle. The driving licence was also fake. He thus submits that it would not be proper to allow the application in it's entirety.
4. The learned counsel for the applicant submits that there is no such defence raised in the claim petition before the Tribunal.

5. Considering that the claimants have lost earning member in the family, no purpose would be served by keeping the amount idle in this Court. Hence, the following order.

ORDER

(i) The application is partly allowed. Applicants are permitted to withdraw 50% of the amount deposited on giving usual undertaking that in case the decision of the appeal goes against the applicants, they will redeposit the amount along with interest within twelve weeks thereafter. The balance amount be invested in fixed deposit in any nationalized bank till the disposal of the appeal.

(KISHORE C. SANT, J.)

ssc/