



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

**901 CIVIL APPLICATION NO. 3521 OF 2024
IN FAST/25185/2023**

PRAMOD RAVINDRA PATIL VERSUS SHASHIKANT RAJARAM TAYADE AND ANR

**WITH
CIVIL APPLICATION NO. 3523 OF 2024
IN FAST/25165/2023**

KARAN VILAS PATIL VERSUS SHASHIKANT RAJARAM TAYDE AND ANOTHER

Mr. M.M. Bhokarika, Advocate for the applicants through VC.

Ms. S.P. Kakade, Advocate for respondent No.1.

Mr. S.S. Patil, Advocate for respondent No.2.

CORAM : KISHORE C. SANT, J.

DATED : 19.06.2024

PC :-

01. Heard. Both these applications are preferred by the original claimants for withdrawal of the amount deposited by the insurance company in the learned Tribunal at Jalgaon. Four appeals are preferred by owner of the vehicle, arising out of same accident. The insurance company has not preferred any appeal. One appeal is filed by one of the claimants for enhancement of amount of compensation. It is contention of the applicants that though the claimants have succeeded in the Trial Court, the amount is not being paid, in view of the ad-interim stay granted by this Court.

02. The learned Advocate for the appellant-owner and the learned Advocate for the insurance company opposed the application. However, considering that the claims are allowed, this Court is inclined to allow the applications.

03. Hence, the following order :-

- (i) The Civil Applications are partly allowed.
- (ii) The applicants are entitled to receive 50% of the amount deposited of their share by furnishing usual undertaking to the satisfaction of the learned Member, MACT, Jalgaon.
- (iii) 25% of the deposited amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Member, MACT, Jalgaon.
- (iv) Remaining 25% of the deposited amount shall be deposited in the fixed deposit of any nationalized bank, to be renewed from time to time till disposal of the appeal.

[KISHORE C. SANT, J.]