



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 3501 OF 2024
IN FA/4580/2023
WITH
CIVIL APPLICATION NO. 14998 OF 2023
IN FA/4580/2023

RUPALI MAHESH PATIL AND ORS
VERSUS
AAYUSH LOGISTICS PROPRETOR MANJIT AND ANR

...
Advocate for Applicant : Mr. Manoj Shinde h/f Mr.
Chapalgaonkar Shailesh S
Advocate for Respondent No.2 : Mr.R.H.Dahat
...

CORAM : KISHORE C. SANT, J.

DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. Heard the parties.
2. This application is filed for withdrawal of the amount deposited by the appellant insurance company in this Court. It is the defence of the insurance company that the driver was

liable for contributory negligence. Considering the above, this Court is passing following order :

ORDER

- (i) The Civil Application stands allowed.
- (ii) Applicant Nos. 4 & 5 are entitled to receive 50% of the deposited amount along with accrued interest as per the award of their share on furnishing usual undertaking.
- (iii) Further 25% of the amount deposited is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.
- (iv) Applicant Nos. 2 & 3 are entitled to file application after attaining the majority.
- (v) With this the Civil Application stands disposed off.

STAY

1. Since the amount is already deposited in the Court, there shall be stay to the impugned judgment and award till the final disposal of the appeal.

FIRST APPEAL

1. Heard.

2. **Admit.**
3. Call R & P.
4. Mr. Chapalgaonkar, Learned Advocate waives service for notice for respondent Nos. 1 to 5.

**(KISHORE C. SANT)
JUDGE**

mahajansb/