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

**4 CIVIL APPLICATION NO. 8749 OF 2024
IN FAST/7991/2024**

AND

**CIVIL APPLICATION NO. 3611 OF 2024
IN FAST/7991/2024**

AND

**CIVIL APPLICATION NO. 3612 OF 2024
IN FAST/7991/2024**

SULBHA DADASABEB WATMODE AND ANR

....Applicants

VERSUS

**UNITED INDIA INSURANCE COMPANY LTD THROUGH ITS
BRANCH MANAGER AND ANR**

.....Respondents

Mr. S. S. Dargad, Advocate for the applicants
Mr. S. S. Rathi, Advocate for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 28th NOVEMBER, 2024

P. C.

1. Heard.

2. Mr. Rathi, learned advocate for the insurance company vehemently opposed the application. He submits that

main ground raised in the appeal is of involvement of the vehicle. He forcefully submits that accident took place on 26-02-2015. When the FIR was lodged no number of vehicle was given. After two days two coworkers of the deceased gave number of the vehicle and on that basis the vehicle is shown to have been involved. The insurance company also examined RTO in the court. There were no sign that it met with an accident. The report is also brought on record.

3. However, considering that the claim is death claim and the amount of compensation is only Rs.8,47,000/-, following order is passed:

ORDER

- a] The application stands allowed.
- b] The applicants are permitted to withdraw 50% of the amount deposited in the office of this court alongwith accrued interest on furnishing usual undertaking. Remaining 25% of the amount is

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allowed to be withdrawn alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court. Remaining amount be kept in a fixed deposit in any nationalized bank till pending the appeal.

c] The application stands disposed off.

DELAY

1. Heard.
2. For the reasons stated in the application, the delay stands condoned. The application stands allowed.
3. Office to register the appeal.

APPEAL

1. Issue notice to the respondents, returnable on 30-01-2025. Mr. Dargad, learned advocate waives service of notice for

the respondent Nos. 1 and 2.

STAY

1. Since the amount is already deposited in the office of this court, there shall be stay to the impugned judgment and award till further orders.

[KISHORE C. SANT, J.]

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