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15ca13192.24

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

**15 CIVIL APPLICATION NO. 13192 OF 2024
IN FAST/11618/2024**

AND

**CIVIL APPLICATION NO. 6298 OF 2024
IN FAST/11618/2024**

AND

**CIVIL APPLICATION NO. 6299 OF 2024
IN FAST/11618/2024**

SHOBA BALAJI BALU YEDE AND ORS

....Applicants

VERSUS

BAJAJ ALLIANZ GENERAL INSURANCE AND ORS

.....Respondents

Mr. S. E. Shekade, Advocate for the applicants

Mr. M. R. Deshmukh, Advocate for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 18th DECEMBER, 2024

P. C.

DELAY

1. Heard.

2. This application is for condonation of delay caused
in filing this appeal.

3. For the reasons stated in the application, the delay stands condoned. The application stands allowed.

4. Office to register the appeal.

APPEAL

1. Heard.

2. Issue notice to the respondents, returnable on 12-02-2025. Mr. Shekade, learned advocate waives service of notice for respondent Nos. 1, 4 & 5.

3. Call R & P

STAY

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

2. The application stands disposed off.

WITHDRAWAL

1. Heard.
2. This application is filed for withdrawal of the amount deposited in the office of this court.
3. The Mr. Deshmukh, learned advocate vehemently opposed the application. He submits that involvement of the vehicle is itself is under doubt. The accident took place on 31-10-2017. Still FIR was not lodged immediately. The FIR was lodged on 03-11-2017 by the father of the deceased who gave number of the vehicle as well as name of the driver. There is nothing on record to show that there was any eye witness to the accident. Thus, it is not clear as to from where the number of the vehicle and name of the driver was known to the father of the deceased.

4. However, considering that the applicants are dependents on the deceased, this court is inclined to allow the applicants to withdraw 50% of the amount deposited in the office of this court. Hence, the following order:

ORDER

- a] The application stands partly allowed.
- b] The applicants are permitted to withdraw 50% of the amount of their share alongwith accrued interest on giving usual undertaking.
- c] The application stands disposed off.

[KISHORE C. SANT, J.]