



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 4389 OF 2024
IN FAST/38679/2023
WITH
CIVIL APPLICATION NO. 251 OF 2024
IN FAST/38679/2023
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CIVIL APPLICATION NO. 252 OF 2024
IN FAST/38679/2023

Sinddhu W/o Arun Gavale @ Gawale And Anr
VERSUS

New India Insurance Company And Ors

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Advocate for Applicant : Mr. S.P. Telgote
Advocate for Respondent 1 : Mr. A.G. Choudhari

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CORAM : KISHORE C. SANT, J.

Dated : June 13, 2024

PER COURT :-

1. Heard the learned advocates for the parties.
2. Civil Application No. 4389/2024 is filed by the original claimants, seeking withdrawal of the amount deposited by the Insurance Company in this Court in an appeal filed by the Insurance Company. The Insurance Company has deposited amount of Rs. 7,83,000/- in this Court.
3. The learned advocate for the applicants submits that claimants have lost earning member of the family and they are in dire need of the amount. He, thus, prays for allowing the application.
4. The learned advocate for the respondent No. 1/Insurance Company vehemently opposes the application stating that the

deceased was working as a cleaner and thus, was not covered under the policy. He submits that substantial grounds are raised in the appeal and if the amount is disbursed, it would not be possible to recover the amount and opposes the application. He, thus, prays for rejection of the application.

5. The amount deposited in this Court is only Rs.7,83,000/-. The applicants are dependent issues of the deceased. Considering that there is award in favour of applicants, this Court is inclined to allow the application in following terms.

6. The applicants are entitled to withdraw 50% of the amount deposited in this Court by the respondent/Insurance company along with accrued interest on furnishing an undertaking that in case, the appeal is allowed, they shall re-deposit amount in this Court within four weeks thereafter.

7. 25% of the amount be disbursed to the applicants on furnishing security to the satisfaction of the Registrar Judicial of this Court.

8. Remaining 25% amount be deposited in fixed deposit in any nationalized bank and should be renewed from time to time till final disposal of the appeal.

9. Civil Application No. 4389/2024 stands allowed in above terms and disposed of.

10. Civil Application No. 251/2024 is filed for condonation of delay of 53 days caused in filing the appeal by the Insurance Company.

11. Heard. For the reasons recorded in the application and since the

delay is hardly 53 days, the application is allowed and disposed of.
Delay is condoned. Office to register the appeal.

(KISHORE C. SANT, J.)

ssc/