



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 CIVIL APPLICATION NO. 5173 OF 2024
IN FA/4106/2023

Savita Dattatraya Waghmare And Ors

VERSUS

The Divisional Manager, United India Insurance Company Ltd. And Ors

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Advocate for Applicants : Mr. Mayure Pramod C.

Advocate for Respondent 1 : Mr. M.R. Deshmukh

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CORAM : KISHORE C. SANT, J.

Dated : June 28, 2024

PER COURT :-

1. Heard.
2. This application is filed by the original claimants, who filed MACP No. 137/2014 in the Court of learned Member, MACT, Osmanabad for withdrawal of amount. The learned Member of MACT, Osmanabad by judgment and award dated 17.4.2023 partly allowed the claim petition and directed to pay an amount of Rs. 70,23,905/- to the claimants.
3. The Insurance Company has filed appeal in this Court, challenging the said judgment and award raising various grounds including non-involvement of the offending vehicle in an accident and about the negligence on the part of the deceased.
4. Considering the arguments, this Court is inclined to pass the following order.

ORDER

- (i) Applicant Nos. 1, 4 and 5 are entitled to receive 50% of the amount deposited in this Court to the extent of their share as per the impugned judgment and award on furnishing an undertaking that in case, the appeal

is allowed, they shall redeposit the same amount along with accrued interest in this Court within twelve weeks after such judgment.

(ii) With this, the application is partly allowed and disposed of.

(KISHORE C. SANT, J.)

ssc/