



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

CIVIL APPLICATION NO. 5003 OF 2023
IN FAST/966/2023

SHAIKH AKBAR AMIN SAHEB
VERSUS
SK GYSA SK GOUS AND OTHERS

...
Advocate for Applicant : Mr. Pramod C. Mayure
Advocate for Respondent No.2 : Mr. M. R. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 19-01-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for respondent No.2/insurer.
2. Learned counsel for respondent No.2 objected the application and contended that there is no evidence that the so-called truck had not dashed to the car wherein the applicant was occupying the seat. He has also argued that the applicant was alone in the car. However, a false case is filed only with a view to extract the money from the insurance company. He also argued that the applicant was in service, therefore, he has suffered no financial loss.

3. Considering the facts and circumstances of the case, the application deserves to be allowed partly. Hence, the order;

- i) The application is allowed.
- ii) The applicant is permitted to withdraw 75% of the amount deposited with accrued interest thereon, on furnishing an undertaking that he will re-deposit the amount if the judgment is reversed.

(S. G. MEHARE)
JUDGE

rrd