



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

**65 CIVIL APPLICATION NO. 7973 OF 2024
IN FA/730/2024**

RASHID LATIFSAB DESHMUKH AND ORS

VERSUS

MAGMA HDI GENERAL INSURANCE COMPANY LIMITED THROUGH ITS
LEGAL MANAGER AND ORS

Mr.F.K. Patel, Advocate for the applicants.

Mr.S.S. Patil h/f. Mr. R.H. Dahat, Advocate for respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 19.09.2024

PC :-

01. Heard learned Advocates for the parties. This application is for withdrawal of amount. The application is opposed by the respondent on two grounds, including non-involvement of vehicle and there is delay in lodging FIR of 20 days. Even after recording of spot panchanama, no FIR was filed by the police. He thus submits that the entire accident happens to be doubtful. He submits that applicant Nos. 2 and 3 are still minors and the amount needs to be kept as it is.

02. Considering the submissions, the following order :-

ORDER

- (i) The application is partly allowed
- (ii) Applicant No.1 is permitted to withdraw 50% of his share of the amount deposited along with accrued interest on furnishing usual undertaking.
- (iii) Applicant No.2 would soon attain majority. He is at liberty to apply for withdrawal of amount after he becomes major.
- (iv) Insofar as applicant No.3 is concerned, quarterly interest amount accrued on the amount of her share, shall be credited to the account of applicant No.1, so that care of the minor can be taken, who is admittedly eight years old.

[KISHORE C. SANT, J.]