



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

**913 CIVIL APPLICATION NO. 10741 OF 2024
IN FAST/14759/2024**

KALINDA MEERA AVINASH KOTULE AND ORS

VERSUS

SHRIRAM GENERAL INSURANCE COM LTD AND ORS

WITH

**CIVIL APPLICATION NO. 5914 OF 2024
IN FAST/14759/2024**

WITH

**CIVIL APPLICATION NO. 5915 OF 2024
IN FAST/14759/2024**

Mr.V.V. Ingle h/f. Mr. S.B. Choudhari, Advocate for the applicants.
Mr.A.G. Choudhari, Advocate for respondent No.1.

CORAM : KISHORE C. SANT, J.
DATE : 13.12.2024

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

01. Heard learned Advocates for the parties. This application is filed for withdrawal of the amount deposited by the appellant insurance company in this Court. The application is vehemently opposed by the appellant. It is submitted that the accident took place on 11.10.2014. Still there is no mention of the vehicle in the MLC or other police papers. For the first time the FIR came to be lodged on 27.10.2014. Surprisingly the FIR is lodged by a person who claimed to be a pillion rider on the motorcycle which was driven by the deceased. In the FIR he gave entire details of the vehicle number along with name of the driver. He thus submits that the entire story appears to be concocted and doubtful. Involvement of the vehicle itself is doubtful.

02. Considering the above, following order :-

- (i) The applicants are permitted to withdraw 50% of the amount on giving usual undertaking along with accrued interest on furnishing usual undertaking.
- (ii) Further 25% amount along with accrued interest is allowed to be withdrawn on furnishing solvent surety-security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iii) Remaining amount shall be kept in fixed deposit of any nationalized bank to be renewed from time to time till disposal of the appeal.
- (iv) Civil Application is accordingly allowed.

CIVIL APPLICATION FOR STAY

01. Since the amount of compensation is already deposited in this Court, there shall be stay to the impugned judgment and award till disposal of the appeal.

02. Civil Application for stay is accordingly allowed and is disposed of.

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. There is delay of only 24 days caused in filing the appeal. For

the reasons stated in the application, the delay is condoned. The application is allowed. The first appeal be registered.

FIRST APPEAL

01. Admit.

02. Learned Advocate Mr. V.V. Ingle h/f. Mr. S.B. Choudhari waives service of notice for the respondents-claimants on admission.

03. Call for record and proceedings.

[KISHORE C. SANT, J.]