



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

**9 CIVIL APPLICATION NO. 13336 OF 2024
IN FAST/14925/2024**

RAJNIBAI KRUSHNAKANT DUBEY AND ORS

VERSUS

THE ORIENTAL INSURANCE COMPANY LTD AND ORS

WITH

CIVIL APPLICATION NO. 6907 OF 2024 IN FAST/14925/2024

WITH

CIVIL APPLICATION NO. 6908 OF 2024 IN FAST/14925/2024

Mr.S.S. Patil, Advocate for the applicants-claimants.

Mr.A.P. Basarkar, Advocate for the respondent – insurance company.

CORAM : KISHORE C. SANT, J.

DATE : 17.12.2024

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

01. This application is for withdrawal of the amount deposited in this Court by the insurance company/appellant. The objection by the appellant is that the involvement of the insured vehicle itself is doubtful. The accident took place on 28.06.2013. AD was registered on 29.06.2013 without giving any particulars of the vehicle. After 13-14 days the number of the vehicle was revealed in the investigation. Thus the entire story is doubtful. However, considering that the amount is towards death claim and the applicants are dependents, this Court is inclined to allow the application.

02. The applicants are allowed to withdraw 50% amount deposited in this Court along with accrued interest on furnishing

undertaking that in case the appeal is allowed, the applicants shall re-deposit the amount within 12 weeks from the date of such order. Remaining amount shall be kept in fixed deposit of any nationalized bank to be renewed periodically till disposal of the appeal.

03. For the purpose of withdrawal, the amount be transmitted to the Court of learned Member, MACT, Dhule.

04. The Civil Application is accordingly allowed and is disposed off.

CIVIL APPLICATION FOR STAY

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

02. The civil application for stay is accordingly allowed and is disposed off.

CIVIL APPLICATION FOR CONDONATION OF DELAY.

01. For the reasons stated in the application, the delay is condoned. The application is allowed.

[KISHORE C. SANT, J.]