



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**917 CIVIL APPLICATION NO. 12247 OF 2024
IN FA/1346/2024**

POOJA AMOL MORE AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO LTD AND ANR

...
Advocate for Applicant : Mr. Vivekanand V. Ingale.
Advocate for Respondent No.1 : Mr. Mohit R. Deshmukh.
...

AND
CIVIL APPLICATION NO. 5966 OF 2024
IN FA/1346/2024
...

CORAM : **KISHORE C. SANT, J.**

DATE : 21st November, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for stay:

2 Since the amount is already deposited by the appellant in the office of this Court alongwith interest, there shall be stay to the impugned judgment and order till the decision of the appeal. The application stands disposed of.

Appeal:

3 Heard.

4 Issue notice to respondents, returnable on 23rd January, 2025.

Mr. V. V. Ingale, learned counsel waives notice on behalf of respondents/claimants.

5 The record and proceedings be called for.

Application for withdrawal of amount:

6 This application is for withdrawal of the amount deposited by the appellant / insurance company in the office of this Court. The appeal is mainly on the ground that the rider of the vehicle told in the claim petition that, in fact, he was not a rider of one of the motorcycles. His name is introduced after the injured persons were hospitalized. In the hospital record, the name of the rider does not appear as a patient. He, thus, submits that the rider shown is introduced only because the person, who was riding the motorcycle at the time of accident, was not having valid and effective driving licence and therefore, there was breach of conditions. However, involvement of the vehicle is not disputed by the insurance copay. Considering the above, there can be an order of pay and recover. For that reason, the total amount need not be kept in this Court. Hence, the following order:-

ORDER

- I. The applicants, who are wife and parents of the deceased, are permitted to withdraw 75% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. The remaining amount be

kept in fixed deposit in any nationalized bank till disposal of the appeal.

- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

nga