



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

**62 CIVIL APPLICATION NO. 6626 OF 2024
IN FAST/11300/2024**

SHARDA W/O VITTHAL MAGAR AND ORS

VERSUS

BAJAJ ALLIANCE GENERAL INSURANCE COMPANY LTD AND ORS

Mr.R.V. Gore, Advocate for the applicants.

Mr.M.R. Deshmukh, Advocate for respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 19.09.2024

PC :-

01. This application is for withdrawal of the amount deposited by the appellant insurance company in this Court, as awarded by the learned Member, Motor Accident Claims Tribunal, Jalna in MACP No.88 of 2020 thereby claim of the present claimants came to be allowed.

02. This application is vehemently opposed by the learned Advocate for the insurance company. He submits that the accident took place on 09.02.2020. Though the accident was immediately reported to police, there is no reference of any vehicle. It is mentioned that the deceased while driving motorcycle lost his control and died. After few days i.e. on 12.02.2020 supplementary statement of one of the witnesses came to be recorded wherein for the first time he stated that the motor-cycle met with an accident

with the offending vehicle. The owner also immediately accepted that there was accident. From the cross-examination of the owner, it shows that in-fact it is in such manner that it is accepted that the offending vehicle responsible for the accident. The learned Advocate thus submits that the entire case is concocted.

03. Considering above facts, this Court is inclined to allow the application as under :-

(i) The applicants are permitted to withdraw 25% of the amount deposited along with accrued interest, on giving usual undertaking.

(ii) Further 25% of the amount along with accrued interest is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.

(iii) Remaining 50% of the amount shall be invested in fixed deposit of any nationalized bank to be renewed periodically till disposal of the appeal.

(iv) The civil application is accordingly partly allowed and is disposed off.

[KISHORE C. SANT, J.]