



(1)

45ca6556.24

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

**45 CIVIL APPLICATION NO. 6556 OF 2024
IN FAST/951/2024**

**PREMLATA SHEKHAR GHODKE AND ORS
Vs
ICICI LOMBARD GENERAL INSURANCE CO LTD**

Mr. S. R. Varma, Advocate h/f Mr. S. S. Chapalgaonkar, Advocate
for the applicants

Mr. S. S. Patil, Advocate h/f Mr. R. H. Dahat, Advocate for the
respondent

CORAM : KISHORE C. SANT, J.

DATE : 08th JULY, 2024

P. C.

1. Heard.

2. The applicants-claimants have filed this application for withdrawal of the amount deposited by the insurance company in this court towards compensation pursuant to the judgment and award passed by the learned MACT, Jalgaon in MACP No. 168/2019 dated 10-05-2023.

3. The application is vehemently opposed by the respondent- insurance company.

4. Learned advocate for the respondent vehemently argued that in this case accident took place on 31-05-2018. Till 06-06-2018 there was no complaint filed. It is only on 11-07-2018 FIR came to be lodged showing involvement of the insured vehicle. The learned Member, MACT however still allowed the claim. Even in the spot panchanama nothing was found to show that there was dash given by a vehicle. In the medical record also it was stated that deceased slipped on the motorcycle and received injury in which he died.

5. Learned advocate for the claimants-applicants however submits that court has rightly considered the evidence on record and has passed the award.

6. Considering the above, this court is inclined to allow the application partly. Hence, the following order:-

ORDER

a] The applicants shall be entitled to withdraw

(3)

45ca6556.24

25% of the amount deposited alongwith accrued interest on furnishing undertaking to this court that in case the appeal is allowed, they shall redeposit the amount in this court within twelve weeks from the date of such judgment alongwith interest. Further 25% of the amount of compensation alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court. Balance amount be invested in fixed deposit in any nationalized bank.

b] With this, the application stands disposed off.

[KISHORE C. SANT, J.]

VishalK/45ca6556.24