



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

**69 CIVIL APPLICATION NO. 8892 OF 2024
IN FA/1694/2024**

RAJENDRA BABURAO GAIKWAD AND ORS

VERSUS

SANTOSH SHANKAR PAWAR AND ANR

Mr.S.Y. Shaikh, Advocate for the applicants.

Mr.A.B. Kadethankar, Advocate for respondent-insurance company.

CORAM : KISHORE C. SANT, J.

DATE : 19.09.2024

PC :-

01. Heard learned Advocates for the parties. The learned Advocate for the respondent-insurance company opposes the application stating that the involvement of the vehicle itself is under challenge. There is 44 days delay caused in filing the FIR. The driver of the bike is not made party. Thus, these factors give rise to suspicion of genuineness of claim. Considering this, the following order :-

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

(ii) Further 25% amount along with accrued interest is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.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% amount shall be invested in the fixed deposit to be renewed from time to time till disposal of the appeal.

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

[KISHORE C. SANT, J.]