



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

**27 CIVIL APPLICATION NO. 11727 OF 2024
IN FAST/19478/2024**

MEENA GAHININATH SHIRSATH AND ORS

VERSUS

CHOLAMANDAL MS GENERAL INSURANCE COMPANY AND ORS

WITH

**CIVIL APPLICATION NO. 9361 OF 2024
IN FAST/19478/2024**

CHOLAMANDALAM MS GENERAL INSURANCE CO LTD

VERSUS

SMT MINA GAHININATH SHIRSATH AND OTHERS

WITH

**CIVIL APPLICATION NO. 9362 OF 2024
IN FAST/19478/2024**

CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LIMITED

VERSUS

SMT MINA GAHININATH SHIRSATH AND OTHERS

Mr.S.E. Shekade, Advocate for the applicants-claimants.

Mr.A.G. Choudhari, Advocate for the respondent-insurance company.

CORAM : KISHORE C. SANT, J.

DATE : 25.11.2024

PC :-

CIVIL APPLICATION FOR WITHDRAWAL

01. This application is filed by the applicants-claimants for withdrawal of amount of compensation. The application is vehemently opposed by learned Advocate for the respondent-insurance company. He submits that the appeal is mainly filed on the ground of quantum and exorbitant amount is granted towards compensation. For the reasons stated in the application, following order is passed :-

- (i) Applicant Nos. 1,4 and 5 are permitted to withdraw 50% of the deposited amount along with accrued interest on furnishing usual undertaking.
- (ii) Further 25% of the deposited amount along with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iii) Remaining amount shall be deposited in the fixed deposit of any nationalized bank.
- (iv) The amount to the extent of share of applicant Nos. 2 and 3 shall be kept in fixed deposit of any nationalized bank and quarterly interest accrued on the said amount shall be credited to the account of applicant No.1 till the said applicants attain majority.
- (v) The civil application is allowed and is disposed off.

CIVIL APPLICATION FOR CONDONATION OF DELAY

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

CIVIL APPLICATION FOR STAY

01. Since the amount of compensation is already deposited in this Court, there shall be stay to the impugned judgment and award till final disposal of the appeal. The civil application stands disposed off.

[KISHORE C. SANT, J.]