



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO. 9727 OF 2024  
IN FAST/11349/2024

WITH

CIVIL APPLICATION NO. 4525 OF 2024  
IN FAST/11349/2024

WITH

CIVIL APPLICATION NO. 4526 OF 2024  
IN FAST/11349/2024

AARTI BALU KALE AND ORS

VERSUS

CHOLAMANDALAM MS. GENERAL INSURANCE THROUGH  
BRANCH MANAGER AND ORS

...

Advocate for Applicant : Mr. Sushant Choudhari, Sushant  
Choudhari, Sushant Choudhari

Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar

...

CORAM : KISHORE C. SANT, J.

DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. Heard the parties.
2. This application is filed for withdrawal of the amount

deposited by the appellant insurance company in the office of this Court. The compensation is directed by the learned Reference Court. The person who was travelling by a Car met with an accident. Unfortunately, the deceased and her husband both died in an accident. Considering the above, the application deserves to be allowed. Hence this Court is inclined to pass following order :

### **ORDER**

- (i) The Civil Application stands allowed.
- (ii) Applicants are permitted to withdraw 50% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking.
- (ii) Further 25% of the amount deposited alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.
- (iii) Remaining amount, be deposited in Fixed Deposit, in any nationalized bank, to be renewed from time to time till disposal of the appeal.
- (iv) With this the Civil Application stands disposed off.

**DELAY**

1. This application is filed for condonation of delay of 31 days caused in filing the appeal by the insurance Company.
2. The application is vehemently opposed by the respondent Claimants.
3. For the reasons stated in the application, application stands allowed. Delay stands condoned.
4. The office to register the First Appeal.
5. The Civil Application stands disposed off.

**STAY**

1. Heard. Since the amount is already deposited in the office of this Court, in view of the same, there shall be stay to the impugned judgment and award till the final disposal of the appeal.
2. The Civil Application stands disposed off.

**FIRST APPEAL**

1. Heard. Issue notice to the respondents, returnable on 16.01.2025.
2. Call R & P.
3. Learned Advocate Mr. Chaudhari waives service of notice for respondent Nos. 1 to 3.

**( KISHORE C. SANT )  
JUDGE**

mahajansb/