



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

**78 CIVIL APPLICATION NO. 10016 OF 2024
IN FAST/12754/2024**

ARUNA LIMBARAO KUNDARGE AND ORS

VERSUS

RAJESH KANBARAO GADAGE AND ANR

Mr.A.A. Khande, Advocate for the applicants.

Mr.A.B. Kadethankar, Advocate for respondent-Insurance Co.

CORAM : KISHORE C. SANT, J.
DATE : 19.09.2024

PC :-

01. Heard. This application is filed for withdrawal of amount deposited by the appellant-insurance company in this Court. The application is vehemently opposed by the learned Advocate for the respondent-insurance company. It is pointed out that there was no collision between two vehicles. The vehicle of the claimant was in excessive speed and it met with an accident on its own. There is nothing to indicate that the offending vehicle gave dash. Except statement of witness that offending vehicle gave dash, there is nothing to show involvement of offending vehicle. Thus, he submits that the entire story is concocted.

02. Considering above, this Court is not inclined to allow application in its entirety. Hence, following order :-

ORDER

(i) The applicants are permitted to withdraw only 50% of the amount of their share along with accrued interest from the amount deposited in this Court by the appellant-insurance company.

(ii) 25% of the amount along with accrued interest is permitted to be withdrawn on giving usual undertaking.

(iii) Further 25% amount along with accrued interest is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of Registrar, MACT, Hingoli.

(iii) Said 50% amount shall be transmitted to the learned MACT, Hingoli for the purpose of disbursement.

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

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

[KISHORE C. SANT, J.]