



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**77 CIVIL APPLICATION NO. 10875 OF 2024
IN FAST/11304/2024**

PARBATRAO S/O NAMDEORAO JATALE AND ORS
VERSUS
NEW INDIA INSURANCE CO LTD BRANCH PARBHANI AND ORS

...
Advocate for Applicant : Mr. Shahaji Bapurao Ghatol.
Advocate for Respondent No.1 : Mr. A. G. Choudhri.
...

AND
**CIVIL APPLICATION NO. 4485 OF 2024
IN FAST/11304/2024**

THE NEW INDIA ASSURANCE CO LTD THROUGH ITS BRANCH
MANAGER
VERSUS
PARBHATRAO NAMDEORAO JATALE AND OTHERS

...
Advocate for Applicant : Mr. Abhijit G. Choudhari.
Advocate for Respondent Nos.1 to 6 : Mr. Patil Shahaji Ghatol.
...

AND
**CIVIL APPLICATION NO. 4486 OF 2024
IN FAST/11304/2024**

THE NEW INDIA ASSTHE NEW INDIA ASSURANCE CO LTD
THROUGURANCE COMPANY LTD THROUGH ITS BRANCH MANAGER
VERSUS
PARBHATRAO NAMDEORAO JATALE AND OTHER

...
Advocate for Applicant : Mr. Abhijit G. Choudhari.
Advocate for Respondent Nos.1 to 6 : Mr. Patil Shahaji Ghatol.
...

AND
**80 CIVIL APPLICATION NO. 10891 OF 2024
IN FAST/11308/2024**

GAYABAI W/O BABAN BABHALE AND ORS
VERSUS
NEW INDIA INSURANCE CO LTD BRANCH PARBHANI, AND ORS

...
Advocate for Applicant : Mr. Shahaji Bapurao Ghatol.

Advocate for Respondent No.1 : Mr. Abhijit G. Choudhari.

...

AND

**CIVIL APPLICATION NO. 4404 OF 2024
IN FAST/11308/2024**

THE NEW INDIA ASSURANCE CO LTD THROUGH ITS BRANCH
MANAGER

VERSUS

GAYABAI BABAN BABHALE AND OTHER

...

Advocate for Applicant : Mr. Abhijit G. Choudhari.

Advocate for Respondent Nos.1 to 6 : Mr. Patil Shahaji Ghatol.

...

AND

**CIVIL APPLICATION NO. 4406 OF 2024
IN FAST/11308/2024**

THE NEW INDIA ASSURANCE CO LTD THROUGH ITS BRANCH
MANAGER

VERSUS

GAYABAI BABAN BABHALE AND OTHER

...

Advocate for Applicant : Mr. Abhijit G. Choudhari.

Advocate for Respondent Nos.1 to 6 : Mr. Patil Shahaji Ghatol.

...

CORAM : **KISHORE C. SANT, J.**

DATE : 17th October, 2024.

P.C.:

. Both these matters are arising out of the same accident,
therefore, both the matters are taken together.

2 Heard the learned counsel for the parties.

Applications for condonation of delay:

3 The applicants to take steps as regards unserved respondents
and thereafter, move this Court.

Applications for Stay:

4 Since the amount is already deposited by the appellant in this Court, there shall be stay to the impugned judgment and award till decision of the appeals.

Applications for withdrawal of amount:

5 These applications are for withdrawal of the amount deposited in this Court by the appellant/insurance company. The applications are opposed by the learned counsel for the appellant. He submits that in the present case there is breach of conditions of the policy. The driver was not holding valid and effective driving licence. He submits that the liability is on the vehicle owner and not on the insurance company. If the amount is disbursed, it would be difficult to recover the said amount.

6 Considering that the applications are by the dependents of the deceased and since the amount is already deposited in the office of this Court, it would not be in the interest of any of the parties to keep the amount idle in this Court. Hence, the following order:-

ORDER

- I. The applicants are permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest is allowed to be

withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

- II. With this, the civil applications for withdrawal of amount stand disposed of.

[KISHORE C. SANT, J.]

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