

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

40 CIVIL APPLICATION NO. 10560 OF 2024
IN FA/1709/2024
WITH
CIVIL APPLICATION NO. 7331 OF 2024
IN FA/1709/2024

NISHA YOGESH BARDE AND ORS
VERSUS
IC IC I LOMBARD GENERAL INSURANCE CO LTD AND ANR

...
Advocate for Applicant : Mr. Ajay Thakaji Kanawade
Advocate for Respondent No.1 : Mr. Abhijit G. Choudhari
...

CORAM : KISHORE C. SANT, J.

DATE : 10.10.2024.

PER COURT :

1. This application is filed for withdrawal of the amount deposited by the insurance Company in the office of this Court. The applicants are the Original Claimants.
2. The application is opposed by the learned Advocate for the insurance Company by submitting that there was no registration of the tractor with the RTO, which involved in the

accident. He further submits that from the evidence of the co-passengers it has come on record that there was negligence on the part of the tractor driver, however, considering that the applicants are the original Claimants following order :

ORDER

(i) The Civil Application stands allowed and disposed off.

(ii) The applicants are permitted to withdraw **50%** of the amount deposited with accrued interest on furnishing usual undertaking.

(iii) Further **25%** of the amount with accrued interest is permitted to withdraw on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.

(iv) Out of remaining amount deposited, so far as the minor applicants are concerned, the amount with accrued interest of their share shall not be withdrawn and shall be kept in the Fixed Deposits to the extent of **75%** in any nationalized bank to be renewed from time to time till they attain the majority

and the interest accrued on the same shall be given to applicant No. 1, who is their natural mother.

(v) Remaining **25%** of the amount with interest deposited, be kept in fixed deposit any nationalized bank, to be renewed from time to time till final disposal of the main appeal.

STAY

1. Since the appellant/insurance Company has deposited the entire amount in the office of this Court, there shall be stay to the execution and operation of the impugned judgment and award til final disposal of the main appeal.

2. The Civil Application stands disposed off.

(KISHORE C. SANT)
JUDGE

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