



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CIVIL APPLICATION NO. 13357 OF 2023
IN FA/3434/2023

Yasmeen Begum Shaikh Taufiq And Ors

VERSUS

The New India Assurance Company Ltd Through Its Branch Manager And
Ors

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Advocate for Applicant : Mr. S.S. Dargad

Advocate for Respondent 1 : Mr. A.S. Usmanpurkar

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CORAM : KISHORE C. SANT, J.

Dated : June 28, 2024

PER COURT :-

1. Heard.
2. This application is filed for withdrawal of amount deposited by the appellant/Insurance Company in this Court along with interest pursuant to the impugned judgment and award passed by the learned Member, MACT, Beed in MACP No. 153/2018 dated 25.4.2023. Applicant No. 1 is the wife, applicant Nos. 2 and 3 are sons and applicant Nos. 4 and 5 are the parents of the deceased.
3. The application is vehemently opposed by Mr. Usmanpurkar, learned advocate for the Insurance Company. He submits that substantial grounds are taken in the appeal in respect of non involvement of the vehicle in an accident. He further submits that the evidence of the witnesses appear to be suspicious. Though the vehicle number was given within two days of the accident, the same was seized after three and half months etc.
4. However, considering the fact that the deceased was working as police constable and considering their standard of living, this Court finds

that it would be in the interest of justice to allow the applicant Nos. 1, 4 and 5 to withdraw 50% of the amount deposited in this Court along with accrued interest to the extent of their share on giving usual undertaking that they shall redeposit the amount along with interest in case the appeal is allowed.

5. Applicant Nos. 1, 4 and 5 are further allowed to withdraw 25% of the amount deposited in this Court along with accrued interest to the extent of their share on furnishing solvent surety/security to the satisfaction of the Registrar Judicial of this Court.

6. Since applicant Nos. 2 and 3 are minors, they are at liberty to file an application for withdrawal of amount after they become major.

7. The amount to the extent of share of applicant Nos. 2 and 3 be invested in fixed deposit and be renewed from time to time.

With these the application stands allowed and disposed of.

(KISHORE C. SANT, J.)

ssc/