



(1)

7ca14542.23

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 CIVIL APPLICATION NO.14542 OF 2023
IN FAST/14391/2023

PALLAVI WD/O. RAVINDRA SURYAWANSHI AND OTHERS
VS
THE ORIENTAL INSURANCE CO. LTD AND ANR

Mr. A. S. Gandhi, Advocate for the applicants
Mr. M. D. Shinde, Advocate for respondent

CORAM : S. G. MEHARE, J.

DATE : 08th MARCH, 2024

P. C.

1. Heard respective counsels for the parties.
2. Learned counsel for the respondent opposes the application contending that there is inordinate delay in lodging the FIR and in the FIR no vehicle number is mentioned.
3. Per contra learned counsel for the applicants submits that during the course of the investigation vehicle number was detected. There was sufficient material before the court to view that offending vehicle ensured with the appellant was involved

in the accident. The applicants are the minor children and the parents of the deceased. Learned tribunal has appreciated the evidence and recorded the findings. Hence, the following order:-

ORDER

- i] The application is partly allowed.

- ii] Applicants are allowed to withdraw 75% of the amount deposited with this court with accrued interest on undertaking by the mother for herself and minor child and parents shall file their independent undertaking that they would deposit the amount, if the judgment and award is reversed.

- iii] Entire share of the minor son be deposited in a fixed deposit in any nationalized bank as per choice of mother till he attain the majority under the guardianship of his mother who will have a right to receive interest at quarterly rests.

(3)

7ca14542.23

iv] 50% of the amount to be paid to the wife shall be deposited in fixed deposit in any national bank of her choice for five years with a right to receive the accrued interest at quarterly rests.

[S. G. MEHARE, J.]

VishalK/7ca14542.23