



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

CIVIL APPLICATION NO. 2089 OF 2024 IN FAST/5473/2023

ASHOK GORAKSHNATH PAWAR AND ANOTHER
VERSUS
UNITED INDIA INSURANCE COMPANY LTD THROUGH ITS BRANCH
MANAGER AND OTHERS

...
Advocate for Applicants : Mr. Shaikh Mazhar A. Jahagirdar
Advocate for Respondent No.1 : Mr. R. F. Totala
...

CORAM : S. G. MEHARE, J.

DATE : 05-04-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned counsel for respondent No.1/appellant.
2. The appeal has been filed mainly on the ground that the offending vehicle has been falsely implicated in the crime. There was delay of seven days in lodging first information report and around three months of delay in preparing panchnama of spot of incident. Learned counsel for respondent No.1/appellant submits that since serious question is involved, the applicants may not be withdraw the amount.
3. Learned counsel for the applicants submits that delay was properly explained before the Motor Accident Claims Tribunal. The facts remain that there was delay in lodging the first information

report and drawing the spot panchnama. In the facts and circumstances of the case, the application deserves to be allowed partly. Hence, the order;

ORDER

- i) The application is partly allowed.
- ii) The applicants are allowed to withdraw 50% of the amount deposited with this Court, with rights to receive accrued interest, on furnishing undertaking that they would deposit the amount, if the impugned judgment and award is reversed.

**(S. G. MEHARE)
JUDGE**

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