

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11060 OF 2024
WITH
INTERIM APPLICATION NO. 24633 OF 2024
IN
FIRST APPEAL NO. 726 OF 2022

Taslim Kadar Bhadarka & Ors.

... Applicants

In the matter between :-

Reliance General Insurance Co. Ltd.

... Appellant

vs.

Taslim Kadar Bhadarka & Ors.

... Respondents

Mr. T. J. Mendon :-	Advocate for Applicants.
Ms. Shalini Shankar :-	Advocate for Respondent in Interim Application and Appellant in Appeal.

CORAM : S. M. MODAK, J.

DATE : 26th AUGUST 2024

P. C. :-

1. Heard learned Advocate for Appellant / Insurance Company and learned Advocate for Claimants. Two vehicles are involved. The

deceased was driving Moped Scooter whereas there was a truck insured with Insurance Company / Appellant. The driver of the truck was prosecuted by the Appellants. Both the parties adduced oral evidence before the Motor Accident Claims Tribunal. The Insurance Company examined the Police Constable who has filed the charge-sheet. During investigation he collected various materials and one of them is statement of the driver of the offending truck. According to the driver, it is the deceased who was overtaking his truck from left side. Even though this statement is there ultimately the truck driver is charge-sheeted.

2. My attention is invited on behalf of the Appellant to the observations in paragraph No.19. The entire evidence is appreciated and there are findings how the accident took place due to negligence of the truck driver. There is strong objection for withdrawal on behalf of learned Advocate for Respondent No. 1.

3. For deciding withdrawal Application, Court can consider the prayer on the basis of findings. I think Applicants can be permitted to withdraw 75% amount. Hence the order :-

ORDER

- (i) The Applicants are permitted to withdraw 75% of the deposited amount along with accrued interest on furnishing usual undertaking
 - (ii) The Tribunal to pay the amount as per apportionment.
4. Both the Interim Applications are disposed of.

[S. M. MODAK, J.]

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