



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 2036 OF 2025
IN FAST/26148/2024**

REKHA LAHU GHULE AND ORS
VERSUS
CHOLAMANDALAM MS GENERAL INSURANCE COMPANY
LTD AND ANR

...
Mr. Swapnil Sunilkumar Dargad, Advocate for Applicants.
Mr. Aniruddha S. Usmanpurkar, Advocate for Respondent No.1.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 21st FEBRUARY, 2025.

P.C.:-

1. Heard learned Advocates appearing for the respective parties.
2. The applicants are seeking withdrawal of amount as deposited by respondent/insurance company in pursuance to the award passed by Tribunal.
3. The claimants are dependents of deceased, who lost life in an accident. The accident is alleged to have been occurred between two motorcycles. The insurer took defence of false implication of insured vehicle for the reason that accident is reported after 19 days.
4. Mr. Dargad, learned Advocate appearing for the applicants points out that apart from Investigating Officer, an eye witness has been examined.
5. Taking into account aforesaid facts alongwith findings as recorded by Tribunal, applicants are entitled for partial withdrawal of the amount. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The applicants are permitted to withdraw 50% of the amount deposited by the appellant/insurance company, subject to filing an undertaking to the satisfaction of the Registrar (Judicial) of this Court, stating that they shall re-deposit the amount if so directed at the conclusion of the proceedings in the appeal.
- c. The undertaking to be filed within period of six weeks from today.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/February-2025