



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO. 4123 OF 2025
IN FA/19/2019

Chandrakalabai Vijay Pawar And Ors.Applicants

VERSUS

Shriram General Insurance Co. Ltd.,
Thr Its Divisional Manager, Jaipur And Ors.Respondents

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Mr. Shaikh Ashraf Patel h/f Mr. Avhad Abhijeet Padmakar,
Advocate for Applicants
Mr. Anil P. Basarkar, Advocate for Respondent No.1

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CORAM : NEERAJ P. DHOTE, J.
DATE : 23.04.2025

PER COURT :

1. This is an Application by the Respondents / Claimants in the Appeal, for withdrawal of the remaining amount deposited by the Appellant - Insurance Company along with interest accrued thereon.

2. It is submitted by the learned Advocate for the Applicants - Claimants that, the Award under the challenge is dated 15/02/2018, passed by the Motor Accident Claims Tribunal, Ahmednagar, in Motor Accident Claim Petition [MACP] No.08/2014, by which, the learned Tribunal awarded the compensation of Rs.53,35,000/- along with interest @ 9% p.a. against Respondent Nos.2 and 3 in the Claim Petition, who are the Owner and Insurance Company of the offending vehicle. He submits that, initially, the Applicants have withdrawn 50% amount under the order of this Court dated 03/12/2019. He submits that, the remaining amount may kindly be allowed to be withdrawn since the Appeal is not yet admitted.

3. The Application is opposed by the learned Advocate for Respondent No.1 - Insurance Company. He submits that, very involvement of the vehicle has been challenged in the Appeal. The Applicants have already withdrawn 50% amount. He further submits that, the Appeal can be fixed for final hearing.

4. None for the other Respondents.

5. This is the Appeal under the Motor Vehicles Act, 1988. The Appeal is not yet admitted. The interest of the State - Insurance Company can very well be secured, if the Applicants are permitted to withdraw 25% of remaining amount deposited in this Court against solvent surety / security / bank guarantee. Hence, the Application is partly allowed. The Applicants are permitted to withdraw 25% amount from the remaining amount deposited by this Appellant - Insurance Company in this Court along with interest accrued thereon, subject to furnishing solvent surety / security / bank guarantee to the satisfaction of the Registrar [Judicial] of this Court.

6. Civil Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/April-2025