



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

962 FIRST APPEAL NO. 841 OF 2025

**THE CHOLAMANDALAM MS GENERAL INSURANCE CO LTD
THROUGH THE BRANCH MANAGER**

VERSUS

SAHEBRAO PRAKASHRAO CHAVAN AND ANR

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Advocate for Appellant : Mr. Abhijit Choudhari.

Advocate for Respondent No.1 : Mr. Gaurav L. Deshpande.

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**WITH CIVIL APPLICATION NO. 3453 OF 2025
IN FA/841/2025**

SAHEBRAO S/O PRAKASHRAO CHAVAN

VERSUS

**CHOLAMANDALAM M/S GENERAL INSURANCE, THROUGH
ITS MANAGER AND ANR**

...

Advocate for Applicant : Mr. Deshpande Gaurav Laxmikant.

Advocate for Respondent No.1 : Mr. Abhijit Choudhari.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 07.08.2025

PER COURT :-

1. Heard both sides.
2. This civil application is for withdrawal of Rs.11,49,917/- deposited by the respondent/insurance company in this Court. For the reasons stated in the application, amount is sought to be withdrawn.

3. Application is opposed by learned counsel for the insurance company on the ground that there was delay of 26 days in lodging First Information Report. The history which can be gathered from the police papers shows that the applicant was a pedestrian and not riding any vehicle. The involvement of the vehicle is suspicious. Lastly, it is contended that no adequate evidence is produced showing the disability.

4. I have considered rival submissions of the parties and gone through impugned judgments. The insurance company did not lodge any complaint regarding false involvement of the vehicle. The disability suffered by the applicant is corroborated by some evidence. Considering overall circumstances, I find it fit to permit the applicant to receive 75% of the amount deposited by following order.

5. Civil application of withdrawal of amount is partly allowed permitting the applicant to receive 50% of amount deposited on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court and further 25% amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

6. Balance amount shall be invested in Nationalized Bank.

In First Appeal

7. **Admit.**

8. Learned counsel Mr. Deshpande waives service of notice for respondent No.1.

(SHAILESH P. BRAHME, J.)

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vmk/-