



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

36 CIVIL APPLICATION NO. 3253 OF 2025
IN FAST/11293/2024

WITH

CIVIL APPLICATION NO. 4394 OF 2024
IN FAST/11293/2024

WITH

CIVIL APPLICATION NO. 4396 OF 2024
IN FAST/11293/2024

RUPALI PRAVIN GAIKWAD AND ORS

VERSUS

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD AND ANR

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Advocate for Applicants : Mr. Vinayak Sudhakar Bedre

Advocate for Respondent No. 1 : Mr. Mohit R.deshmukh

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 28.03.2025

PER COURT :-

ORDER ON WITHDRAWAL APPLICATION :

1. Heard learned Advocate appearing for applicants.
2. Applicants/Original Claimants are seeking permission to withdraw amount deposited by respondent/Insurance Company in pursuance to award dated 01.11.2023 passed by Motor Accident Claims Tribunal, Shrirampur in MACP No. 01 of 2020.
3. Claimants instituted MACP No. 01 of 2020 contending that deceased Pravin Gaikwad was proceeding on his motorcycle which was dashed by offending motorcycle bearing No. MH-17-CH-1465. In that accident he suffered injuries and ultimately died on 25.09.2019. The incident was reported to police in Crime No. 829 of 2019. Claimants were depending upon income of deceased, hence they are entitled for compensation from owner and insurer of offending motorcycle.
4. Claim was contested on behalf of insurer of vehicle raising defence of non involvement of insured vehicle. Tribunal after considering evidence

concluded that accident occurred due to involvement of insured vehicle. It is therefore apparent that on evaluation of evidence Tribunal recorded findings of involvement of insured vehicle and passed award.

5. Considering submissions advanced and grounds of appeal along with reasoning adopted by Tribunal, it would be appropriate to permit applicants to withdraw 50% compensation amount as deposited by insurer subject to furnishing undertaking to the satisfaction of Registrar, (Judicial) of this Court that in case an adverse order is passed in this appeal, they shall re-deposit amount within a period of eight weeks thereafter with registry of this Court. Such undertaking shall be filed within a period of four weeks from today.

ORDER ON DELAY CONDONATION APPLICATION :

6. Heard learned Advocates appearing for respective parties.

7. Applicants seek condonation of delay of 50 days caused in filing appeal.

8. Perused reasons as stated in application. Delay appears to be caused on account of administrative exigency. Applicants have not derived advantage by making delay. In result, application stands allowed. Delay of 50 days caused in filing appeal is condoned.

9. Appeal be registered subject to removal of office objections.

ORDER ON STAY APPLICATION :

10. Heard Mr. Deshmukh, learned Advocate appearing for applicant. He submits that entire amount as per award passed by Tribunal has been deposited with registry of this Court. His statement is supported by office endorsement dated 06.07.2024. In result, application stands allowed in terms of prayer Clause (B) and is disposed off.

(S. G. CHAPALGAONKAR)
JUDGE