



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 CIVIL APPLICATION NO. 5971 OF 2025
IN FA/8/2025

SHRI HIRALAL RAFIQUE SHAIKH AND ORS
VERSUS
THE NEW INDIA INSURANCE CORRECTED AS ASSURANCE
CO LTD

WITH

FIRST APPEAL NO. 8 OF 2025

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Advocate for Applicants in CA & R/1 & 2 in Appeal : Mr. Patil
Vijay Bhalerao.

Advocate for respective Respondent/s in CA & Appellant in
Appeal : Mr. Ambhore Maroti Mahadu.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 13.06.2025

PER COURT :-

1. Heard both the sides.
2. Applicants are seeking withdrawal of amount of Rs.31,13,666/- deposited by the respondent/insurance company.
3. Learned counsel for the applicants submits that for the reasons stated in the application, applicants are in need of money. Applicants are aged and ailed. Time will be consumed to decide the appeal finally.

4. Mr. Ambhore appearing for the respondent/insurance company would submit that deceased was a gratuitous passenger. Applicants were awarded unreasonably high amount. Quantum is seriously disputed. There was no evidence regarding income of the deceased. The risk is not covered by the insurance policy.

5. I have considered rival submissions of the parties. First appeal will consume some time for final adjudication. Applicants' interest needs to be protected by permitting them to withdraw part of the amount on certain conditions. Contentious issues pressed into service by the parties can be dealt with at the time of final hearing. I, therefore, propose to allow the application partly.

6. Civil application is allowed partly by permitting the applicants to withdraw 20% of the amount deposited in this Court by furnishing surety/security and 30% of the amount on furnishing undertaking to the Registrar (Judicial) of this Court.

7. Call for Record and Proceedings from the concerned Court.

8. List the first appeal on 11.07.2025.

(SHAILESH P. BRAHME, J.)

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vmk/-