



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

**CIVIL APPLICATION NO. 7101 OF 2025
IN FAST/19187/2025**

The Branch Manager, Cholamandalam
M S General Insurance Co. Ltd.

.. Applicant

Versus

Smt. Tanuja Sandip Swami And Others

.. Respondents

Mr. Swapnil S. Rathi, Advocate for the Applicant.
Mr. S. B. Gastgar, Advocate for Respondent Nos. 1 to 3.

**WITH
CIVIL APPLICATION NO. 7102 OF 2025
IN FAST/19187/2025**

The Branch Manager, Cholamandalam
M S General Insurance Co. Ltd.

.. Applicant

Versus

Smt. Tanuja Sandip Swami And Others

.. Respondents

Mr. Swapnil S. Rathi, Advocate for the Applicant.
Mr. S. B. Gastgar, Advocate for Respondent Nos. 1 to 3.

**WITH
CIVIL APPLICATION NO. 10997 OF 2025
IN FAST/19187/2025**

Tanuja Sandip Swami and others

.. Applicants

Versus

The Branch Manager, Cholamandalam
M S General Insurance Co. Ltd.

.. Respondent

Mr. S. B. Gastgar, Advocate for the Applicants.
Mr. Swapnil S. Rathi, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.
DATE : 06th OCTOBER, 2025.

PER COURT :-

CIVIL APPLICATION NO. 7101 OF 2025 :

1. Heard learned advocate for the applicant and learned advocate Mr. Gastgar for respondent Nos. 1 to 3.
2. None appears for respondent No. 4 in spite of service.
3. This application is filed seeking condonation of delay of 22 days caused in filing the first appeal.
4. For the reasons recorded in the application, application stands allowed. Delay is condoned. Office to register first appeal.
5. The civil application stands disposed of.

CIVIL APPLICATION NO. 7102 OF 2025 :

1. Since the applicant has already deposited the amount of compensation in the office of this Court, there shall be stay to the impugned judgment and award till disposal of the first appeal.

2. The civil application stands disposed of.

CIVIL APPLICATION NO. 10997 OF 2025 :

1. Heard learned advocates for the parties.
2. This application is by the original claimants for withdrawal of the amount towards compensation deposited by the insurance company – appellant in the office of this Court. The applicant No. 1 is the wife of deceased Sandip. The applicant No. 2 is the sone of deceased. The applicant No. 3 is mother of deceased. The applicant No. 2 is minor of three years age.
3. The application is opposed by learned advocate Mr. Rathi for respondent. He submits that, in the present case, the vehicle insured by the present appellant is not involved. The accident took place on 19.02.2022 whereas, FIR came to be lodged for the first time on 03.04.2022. FIR is thus afterthought and is only to involve the vehicle insured with the appellant. There is every possibility of allowing the appeal. It is submitted that, in that case, it would be difficult for the insurance company to recover the amount.

4. Considering the fact that, the claimants have lost earning member of family, this Court is inclined to pass following order :

ORDER

(I) The applicant Nos. 1 to 3 are permitted to withdraw 50% of the amount of their share along with accrued interest on giving usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. Further 25% of the amount is allowed to be withdrawn along with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

(II) The amount to the share of minor applicant No. 2 be kept in a fixed deposit in any Nationalized Bank. The interest on the said amount shall be credited to the account of applicant No. 1 every quarter till applicant No. 2 attains majority.

(III) Remaining amount be kept in a fixed deposit in any Nationalized Bank till disposal of the appeal.

(IV) With this, the civil application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.