



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

**CIVIL APPLICATION NO. 6852 OF 2025
IN FAST/31173/2023**

Rizwana Begum Shaikh Riyaz And Others .. Applicants

Versus

United India Insurance Company Lim.
Through Its Manager Branch At Danawan
Complex Station Road And Ors. .. Respondents

Mr. V. P. Kadam, Advocate for the Applicants.
Mr. Mohit R. Deshmukh, Advocate for Respondent No. 1.
Mr. Pravin N. Kalani, Advocate for Respondent Nos. 2 & 3.

**WITH
CIVIL APPLICATION NO. 12549 OF 2023
IN FAST/31173/2023**

United India Insurance Co. Ltd.
Through Its Manager .. Applicant

Versus

Rizwana Begum Shaikh Riyaz And Others .. Respondents

Mr. Mohit R. Deshmukh, Advocate for the Applicant.
Mr. V. P. Kadam, Advocate for Respondent Nos. 1 to 5.
Mr. Pravin N. Kalani, Advocate for Respondent Nos. 6 & 7.

**WITH
CIVIL APPLICATION NO. 12550 OF 2023
IN FAST/31173/2023**

United India Insurance Co. Ltd.
Through Its Manager .. Applicant

Versus

Rizwana Begum Shaikh Riyaz And Others .. Respondents

Mr. Mohit R. Deshmukh, Advocate for the Applicant.

Mr. V. P. Kadam, Advocate for Respondent Nos. 1 to 5.

Mr. Pravin N. Kalani, Advocate for Respondent Nos. 6 & 7.

CORAM : KISHORE C. SANT, J.

DATE : 01st OCTOBER, 2025.

PER COURT :-

CIVIL APPLICATION NO. 6852 OF 2025 :

1. Heard learned advocate for the applicants and learned advocate for respondents in this application.
2. By way of this application the original claimants seek permission to withdraw the amount of compensation deposited by the appellant in the appeal in the office of this Court pursuant to impugned judgment and award.
3. The application is vehemently opposed by learned advocate Mr. Deshmukh for respondent No. 1. He submits that, in the present case, deceased was sitting in a Jeep. Tawera and Tractor coming from front collided and in that Jeep turns. In the charge-sheet the Police have clearly recorded that, it is the fault of the driver of the Tractor. The Tractor was carried two Trolleys of

sugarcane and thus it is the driver of the Tractor who was responsible. There is nothing against the driver of Tawera vehicle which is insured by the present respondent. He thus submits that the liability is wrongly fastened upon the present respondent and the Jeep owner. He thus opposes the application.

4. Considering that the Court has recorded some findings in paragraph No. 13 of the impugned judgment about the involvement of the Jeep on the basis of eye witness, the case of the appellant in appeal certainly requires consideration on merits at the time of final hearing. However, at this stage, since the amount is already deposited, this Court finds that, keeping it idle will not serve purpose and it will not be in the interest of any of the parties. Therefore, this Court is inclined to allow the application. Hence, following order :

ORDER

(I) The applicants are permitted to withdraw 50% of the amount deposited in the office of this Court along with accrued interest on furnishing usual undertaking. Further 25% of the amount is allowed to be withdrawn along with accrued interest by furnishing security/surety to the satisfaction of the learned

Registrar (Judicial) of this Court. Remaining amount be invested in a fixed deposit in any Nationalized Bank till disposal of the appeal.

(II) The amount be disbursed to each of the applicants.

(III) The civil application stands disposed of.

CIVIL APPLICATION NO. 12549 OF 2023 :

1. This application is for condonation of delay of 89 days caused in filing the first appeal.

2. For the reasons stated in the civil application, delay is condoned. The civil application stands allowed and disposed of.

CIVIL APPLICATION NO. 12550 OF 2023 :

1. Since the applicant has already deposited entire amount as per the impugned judgment and award, there shall be stay to the impugned judgment and award till disposal of the appeal.

2. With this, civil application for stay stands allowed and disposed of.

(KISHORE C. SANT, J.)

PS.B.