



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

CIVIL APPLICATION NO. 9555 OF 2025
IN FA/2366/2024

Tasnim Akhtar Abudl Matin Ansari And Anr
VERSUS
Shriram General Insurance Company Ltd And Others

Mr.Shrikant Patil, Advocate for applicants
Mr.Abhijit Choudhari, Advocate for respondent no.1

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 09, 2025

ORDER :-

This is an application for withdrawal of the award amount, deposited by the appellant - Insurance company in this Court.

2. It is contended that the appellant/Insurance company suffered joint and several liability together with its insured owner, vide the judgment and award dated 02.05.2024, passed by learned Member, M.A.C.T. in M.A.C.P. No.19 of 2020. Raising objection as to liability of the insurer to indemnify the insured owner, the insurance company has filed the First Appeal. A Civil Application seeking stay to the execution and operation of the impugned judgment and award also was filed; and this court, vide its order dated 12.09.2024, stayed execution and operation of the impugned judgment and award, putting

condition on the appellant to pay the entire amount of award in this court on or before 24.10.2024.

3. Today, both the parties submit that consequent to the order (supra), the appellant has deposited the entire payable award amount in this court. Hence, present application is filed by the claimants for withdrawal of amount deposited by the insurance company.

4. Keeping all the issues open for argument in appeal, at present, I deem it to allow the the Civil Application.

5. The Civil Application is partly allowed. The applicants are permitted to withdraw 50% of the awarded amount, on furnishing undertaking that in the event of reversal of the judgment and award under challenge, the applicants shall deposit back the amount so disbursed, together with interest at the bank's rate of interest. The application stands disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

KBP