



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO. 8744 OF 2024
IN FA/1629/2024

WITH

CIVIL APPLICATION NO. 13076 OF 2024
IN FA/164/2024

WITH

CIVIL APPLICATION NO. 8733 OF 2024
IN FA/1692/2024

WITH

CIVIL APPLICATION NO. 8732 OF 2024
IN FA/1625/2024

WITH

CIVIL APPLICATION NO. 9573 OF 2024
IN FA/163/2024

WITH

CIVIL APPLICATION NO. 8745 OF 2024
IN FA/1628/2024

WITH

CIVIL APPLICATION NO. 9699 OF 2024
IN FA/162/2024

WITH

CIVIL APPLICATION NO. 8743 OF 2024
IN FA/1630/2024

WITH

CIVIL APPLICATION NO. 8746 OF 2024
IN FA/1627/2024

WITH

CIVIL APPLICATION NO. 8734 OF 2024
IN FA/1693/2024

WITH

CIVIL APPLICATION NO. 8736 OF 2024
IN FA/1691/2024

SUNIL SHIVAJI SURYAWANSHI

VERSUS

CHOLAMANDALAM MS GENERAL INSURANCE CO LTD. AND ORS

...

Advocate for Applicant : Mr. Himanshu Anil Patankar
Advocate for Respondent No. 1 : Mr. A. S. Usmanpurkar

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : 28.03.2025

PER COURT :-

1. Heard learned Advocates appearing for parties respectively.

2. Present applications are filed seeking permission to withdraw amount deposited by respondent/insurance Company in pursuance of award passed by Motor Accident Claims Tribunal.

3. Applicants are injured in motor vehicular accident dated 09.08.2020. It is alleged that a tempo bearing No. MH-19/2101 and Mahindra Bolero Jeep bearing No. MH-19-CY-5493 are vehicles involved in accident. All Claimants were traveling in tempo and allegations are that Mahindra Bolero vehicle dogged tempo, in result driver of tempo lost control and accident occurred. Insurer of jeep took defence that infact there was no accident as claimed. FIR has been lodged after two days and false story is introduced.

4. Looking to defence as raised by insurer and reasons as recorded by Tribunal while passing award, this Court finds it as fit case to permit applicants to withdraw 50% compensation amount as deposited by appellant Insurance Company subject to furnishing undertaking/s to satisfaction of learned Registrar, (Judicial) of this Court that they shall re-deposit amount within a period of 8 weeks in case an adverse order is passed against them in appeal.

5. The Civil Applications are disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

mahajansb/