



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

CIVIL APPLICATION NO. 9860 OF 2025
IN FA/355/2025

Roshni Amol Shelke And Ors
VERSUS
Reliance General Insurance Co Ltd And Ors

Mr.Siddiqui Ahmeed Mushfiq, Advocate for applicants
Mr.A.S.Usmanpurkar, Advocate for respondent no.1

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 12 2025

ORDER :-

This is a Civil Application seeking permission to withdraw the amount deposited by the appellant in this court, pursuant to the order passed by this court staying the execution and operation of the judgment and award, impugned in the appeal.

2. The applicant/s submits that they are in dire need of money and have not received the fruits of the trial that was conducted in the learned Tribunal. However, the appellant, initially, vehemently, opposed the application, on the ground that the valuable rights of the appellants are involved in the main appeal. That, if the deposited amount is allowed to be withdrawn, the very purpose of filing the appeal itself, would stand frustrated.

3. Per contra, Mr.Osmanpurkar, learned counsel for respondent no.1, would submit that an objection was raised by the Insurance company as regards the quantum granted by learned Tribunal. He submits that it was an accident of 2019. Learned Tribunal, in the absence of any, considerable material, has held the notional income of deceased @ Rs.15,000/- p.m. He further submits that the notional income Rs.15,000/- p.m. has resulted into exorbitant amount and hence, the entire amount in deposit may not be allowed to be withdrawn. He submits that he has no objection if a part of the amount has been allowed to be withdrawn.

4. Upon having heard the parties, I am of the considered view that today, the award stands in favour of the applicants. The entitlement of the applicant to receive the awarded compensation as well as ascertainment of the quantum has been adjudicated by learned Tribunal, upon examination of the facts and scrutiny of the evidence. The applicants have made out a case for withdrawal of a portion of the amount deposited by the appellant - Insurance Company.

5. In the circumstances, I am of the considered view that the interest of both the parties can be secured by permitting the

applicants to withdraw the amount, as ordered below by imposing certain conditions:-

- (i) Civil Application stands partly allowed.
- (ii) The applicants are permitted to withdraw 50% of the amount deposited, on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial); and 25% of the amount deposited, on furnishing solvent security/surety to the satisfaction of learned Registrar (Judicial) of this Court.

[AJIT B. KADETHANKAR, J.]

KBP