



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 CIVIL APPLICATION NO. 10621 OF 2025
IN FA/1340/2024

DIVYA AKASH FULARE AND OTHERS
VERSUS
GORAKH SONYABAPU KOTE

...
Advocate for Applicants : Mr. Tushar Shinde h/f Mr. Shaikh
Sohail Yusuf Jahagirdar.
Advocate for Respondent No.3 : Mr. M. R. Deshmukh.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 07.10.2025

PER COURT :-

1. Applicants seek modification of order dated 05.08.2025 especially to the condition of furnishing surety/security for receiving 50% of the amount deposited by the respondent/insurance company. It is submitted that the financial condition of the applicants is very precarious and they are unable to even furnish surety/security for withdrawing the amount. The condition is solicited to be relaxed.

2. Learned counsel for the respondent opposes the application. It is submitted that the involvement of the vehicle is doubtful and it's a case of a false claim. Hence, if the condition is relaxed, it will be difficult to recover the amount in case insurance company succeeds in the appeal.

3. First appeal is ready for hearing but it's an appeal of 2024 which is assigned to other Bench.

4. In given facts and circumstances, I am inclined to modify order dated 05.08.2025 to the extent that applicants shall receive Rs.5,00,000/- on furnishing undertaking to the satisfaction of the Registrar (Judicial) instead of furnishing surety/security for receiving 50% of the amount.

5. Civil application is partly allowed thereby permitting the applicants to receive Rs.5,00,000/- only on furnishing undertaking to the satisfaction of the Registrar (Judicial).

(SHAILESH P. BRAHME, J.)

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vmk/-