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

**46 CIVIL APPLICATION NO. 11370 OF 2025
IN FAST/20307/2025**

SANJAY SHAKAR WARULE

VERSUS

MANAGER CHOLAMANDALAM GEN INSURANCE CO LTD

WITH

CIVIL APPLICATION NO. 7909 OF 2025 IN FAST/20307/2025

MANAGER, CHOLAMANDALAM MS GEN INSURANCE CO LTD

VERSUS

SANJAY SHAKAR WARULE AND OTHERS

WITH

CIVIL APPLICATION NO. 7911 OF 2025 IN FAST/20307/2025

Mr. V.P. Latange, Advocate for the applicant-claimant.

Mr. Abhijit Choudhari, Advocate for the respondent-insurance company.

CORAM : KISHORE C. SANT, J.

DATE : 13.10.2025

PC :-

01. Heard learned Advocates for the parties. This application is filed for withdrawal of amount deposited by the appellant-insurance company in the office of this Court along with interest.

02. Learned Advocate Mr. Choudhari opposes this application. He submits that in the present case there was delay in lodging FIR of 35 days. There is doubt about whether the eye witnesses have seen the incident personally. He submits that there are other grounds involved, which are substantial in nature.

03. However, considering that both the applicants lost their only

son in the accident and they were dependent on the deceased, this Court is inclined to allow this application. Hence, following order :-

- i) This application is partly allowed.
- ii) The applicants are permitted to withdraw 50% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking.
- iii) Further 25% of the amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- iv) Remaining amount shall be deposited in the fixed deposit of any nationalized bank to be renewed from time to time till disposal of the appeal.

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. The delay is of 21 days caused in filing the appeal. For the reasons stated in the application, the delay stands condoned. The application is allowed and is disposed off.

CIVIL APPLICATION FOR STAY

01. Since the applicant has already deposited the amount in the office of this Court, there shall be stay to the impugned judgment and award till disposal of the appeal. The Civil Application for stay is accordingly allowed and is disposed off.

FIRST APPEAL

01. Issue notice to the respondents, returnable on 08.12.2025.
02. Learned Advocate Mr. Latange waives service of notice for respondent Nos. 1 and 2.
03. Call for record and proceedings.
04. Parties are put to notice that, if time permits, this Court may take up this appeal for final disposal at the stage of admission.

[KISHORE C. SANT, J.]