



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

982 CIVIL APPLICATION NO. 13668 OF 2024
IN FA/1340/2024

DIVYA AKASH FULARE AND ANR
VERSUS
GORAKH SONYABAPU KOTE AND ORS

...
Advocate for Applicant : Mr. Shaikh Sohail Yusuf and Shaikh Mazhar A
Jahagirdar
Advocate for Respondent no. 3 : Mr. Mohit R. Deshmukh
...

CORAM : SHAILESH P BRAHME, J.

DATE : 05.08.2025

PER COURT :

Heard both the sides.

2. The applicants, who are dependent are seeking withdrawal of amount of Rs. 21,51,596/- deposited by the respondent-insurance company in this Court. It is submitted that for the reasons stated in the application, the applicants are in dire need of financial assistance.

3. Per contra, the learned advocate Mr. Deshmukh would submit that there is inordinate delay in lodging the F.I.R. Involvement of the offending vehicle is doubtful. Accident took place on 22.01.2020 and injured succumbed on 23.01.2020. Uncle of the deceased claims to have witnessed the accident and provided registration number of the offending vehicle on 25.02.2020, which is extremely doubtful. It is further contended that quantum is on higher side.

4. I have considered the rival submissions of the parties. *Prima facie*, the manner in which the first information is lodged and registration number of the offending vehicle is disclosed is suspicious. As against that, the

insurance company or its officer did not lodge any complaint with the police in respect of false implication of the vehicle involved. The applicants are dependents and bread earner of their family is passed away. Ends of justice would be met by permitting the applicants to receive 50% of the amount with accrued interest on furnishing surety/security.

5. Civil Application is partly allowed permitting the applicant to withdraw 50% of the deposited amount with accrued interest on furnishing surety/security. Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-