



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

**38 CIVIL APPLICATION NO. 2573 OF 2025
IN FA/1673/2025**

GLENN REMI MENEZES THROUGH NEXT FRIEND HIS FATHER REMI
ALFONSE MENEZES

VERSUS

DIVISIONAL MANEGER NEW INDIA ASSURANCE COMPANY LTD AND ORS

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

Mr. M.R. Deshmukh, Advocate for the respondent-insurance company.

CORAM : KISHORE C. SANT, J.

DATE : 13.10.2025

PC :-

01. Heard. This application is for withdrawal of amount of compensation deposited in the office of this Court by the appellant – insurance company.

02. This application is vehemently opposed by learned Advocate Mr. M.R. Deshmukh. He submits that the very involvement of the vehicle is doubtful. Total 8 witnesses were examined in the learned Tribunal. However, not a single witness is an eye witness. The FIR itself is lodged after 35 days of the accident. There is stray statement of a rickshaw driver, who made statement after 45 days of the accident about involvement of the vehicle. There are no particulars as to how the Investigating Officer reached to the said rickshaw driver. In the charge-sheet also no sufficient particulars are appearing. The accident took place on 15.08.2017; whereas the complaint was filed on 19.09.2017, by the father of the claimant, who prosecuted the claimant as next friend. He

submits that this is not a fit case for withdrawal of amount. The appeal itself can be taken up for final disposal at the stage of admission by calling record and proceeding.

03. From the impugned judgment and submissions it is clear that the claimant is totally bedridden. He suffered 77% disability. He has is not in a position even to come to Court to depose anything. So far as delay in lodging FIR is concerned, it has come on record that the claimant was admitted in the hospital on the accident of accident and he was discharged on 18.09.2017 and it is for this reason the delay is caused.

04. No doubt, there is debatable case as to involvement of the vehicle. This Court, however, considering the application looking to the medical condition of the claimant, pass following order :-

ORDER

- i) This Civil Application is allowed.
- ii) The applicant is allowed to withdraw 50% of the amount deposited by the insurance company in the office of this Court along with accrued interest on furnishing usual undertaking. The undertaking of the father of the claimant be accepted.
- iii) Remaining amount shall be invested in fixed deposit of any nationalized bank to be renewed from time to time till disposal of the appeal.

FIRST APPEAL

01. Heard.
02. Call for record and proceedings.
03. The parties are put to notice that this Court shall take up this appeal for final disposal at the stage of admission.
04. Stand over to 22.12.2025.
05. The parties are free to move, in case the appeal is not placed on the scheduled date.

[KISHORE C. SANT, J.]