



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

**931 CIVIL APPLICATION NO. 10313 OF 2025
IN FAST/35169/2024**

MANISHA W/O ASHOK KOKULWAR AND ORS

VERSUS

RELIANCE GENERAL INSU COM LTD AND ANR

WITH

**CIVIL APPLICATION NO. 320 OF 2025
IN FAST/35169/2024**

RELIANCE GENERAL INSURANCE CO LTD THROUGH MANAGER
AUTHORIZED SIGNATORY

VERSUS

MANISHA ASHOK KOKULWAR AND ORS

Mr. Avinash Hande, Advocate for the applicants-claimants.

Mr. A.S. Usmanpurkar, Advocate for the respondent-insurance company.

CORAM : KISHORE C. SANT, J.

DATE : 08.10.2025

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT.

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

02. This application is vehemently opposed by the learned Advocate Mr. Usmanpurkar. He submits that the appeal is mainly on the ground of quantum. The deceased died in 2021. His income is not proved. The Court notionally taken income to be Rs. 20,000/- per month, which is on quite higher side. The income would have been at the most Rs. 12,000/- per month. He further submits that if the amount

is disbursed, it would be difficult to recover the said amount after decision of the appeal.

03. Considering that the income is to be Rs. 20,000/- in the year 2021, there is some substance in the argument of learned Advocate for the appellant. However, the income could have been taken to be Rs. 12,000/- to Rs. 15,000/- per month, considering that the deceased was in the business of supply of milk and it is case of the claimants that he used to collect 200 liters milk every day and used to sell it in the open market.

04. Considering the above, following order :-

- i) This Civil Application is allowed.
- ii) The applicants are permitted to withdraw 50% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking. 25% of the amount along with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Remaining amount shall be kept in 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. Heard. For the reasons stated in the application, the delay of 59 days caused in filing appeal stands condoned. The Civil Application is allowed and disposed off.

FIRST APPEAL

01. Respondent No.5-original claimant No.5 is reported to be dead. Respondent No.1 to 4 are the legal heirs of deceased respondent No.5. Learned Advocate Mr. Usmanpurkar seeks leave to show respondent Nos. 1 to 4 also in the capacity as legal heirs of deceased respondent No.5.

02. Leave granted. The amendment be carried out within two weeks from today. No separate application is required.

03. Issue notice to the respondents. Learned Advocate Mr. Usmanpurkar waives service of notice for respondent Nos. 1 to 4. Notice to respondent No.6 to indicate that if time permits, the matter will be taken up for final disposal.

04. Stand over to 03.12.2025.

[KISHORE C. SANT, J.]