



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CIVIL APPLICATION NO. 10331 OF 2024
IN FA/21/2025

Ganesh Kisan Umak And Others

VERSUS

Hddc Corrected As Hdfc Ergo General Insurance Company And Anr

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Advocate for Applicant : Mr. Chapalgaonkar Shailesh S

Advocate for Respondents : Mr. Mohit R. Deshmukh

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WITH

CIVIL APPLICATION NO. 1036 OF 2023
IN FA/21/2025

Hddc Corrected As Hdfc Ergo General Insurance Company

VERSUS

Ganesh Kisan Umak And Others

...

Advocate for Applicant : Mr. Mohit R. Deshmukh

Advocate for Respondents : Mr. Prathemesh Borde h/f Mr. S.S.
Chapalgaonkar

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 6th MARCH, 2026

PER COURT :-

1. This is an application for withdrawal of the amount deposited in this court as per the impugned judgment and award.

2. Perused the application and heard learned advocates for the parties. Learned advocate for the respondent Insurance company submitted that premium amount was not paid, as the cheque was dishonoured. Notice of dishonour of cheque was also

sent to the owner of the offending vehicle with letter in respect of cancellation of cheque by R.P.A.D. It was refused to accept and to that effect there is an endorsement on record that the envelope is proved before the Tribunal during the trial. He therefore, submitted that only the owner of the offending vehicle is liable to pay the compensation. He lastly prayed to reject the application.

3. On perusal of the application, the reasons in the impugned judgment and award and considering the peculiar set of facts, it would be proper to allow this application partly. Therefore, the application is partly allowed. The applicants in civil application No. 10331 of 2024 are permitted to withdraw 50% amount with accrued interest thereon with costs to the claimant on furnishing under undertaking to the satisfaction of Registrar (Judicial) of this Court.

4. In so far as the civil application No. 1036 of 2023 is concerned, since entire amount as per the impugned judgment and award has been deposited, therefore, the application deserves to be allowed. Hence, the application is allowed in terms of prayer clause "B" and disposed of. List the first appeal on 08.05.2026.

(SANJAY A. DESHMUKH, J.)