



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**930 CIVIL APPLICATION NO. 10864 OF 2024**  
IN FA/1043/2024

KALIMA JAINODDIN SHAIKH MULLA  
*VERSUS*  
NATIONAL INSURANCE COMPANY LTD,  
THROUGH ITS BRANCH MANAGER AND ORS

...  
Advocate for Applicant : Mr. Fayaz Khurshid Patel.

Advocate for Respondent No.1 : Mr. Vinodkumar R. Mundada.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 16<sup>th</sup> January, 2026.

**P.C.:**

1 This application is for withdrawal of the amount deposited by the appellant in this Court as per the impugned judgment and award.

2 Heard the learned counsel for the parties. Perused the application.

3 The learned counsel for the appellant strongly opposes the application and submits that there is an issue of involvement of the offending vehicle in the accident. Therefore, the insurance company is not liable to pay the compensation. However, the Tribunal erred in deciding the said claim. Therefore, he prays to reject the application.

4 For the reasons stated in the application and considering the arguments of both the sides, the following order is passed :-

**ORDER**

- I. The application is partly allowed.
- II. The applicant is permitted to withdraw 25% of the amount with accrued interest thereon deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest thereon is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.
- III. The Registry is directed to not to insist for the actual valuation of the property of the surety.
- IV. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

**[ SANJAY A. DESHMUKH, J. ]**

*nga*