



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2507 OF 2024

The New India Insurance Co. Ltd.

...Appellant

Versus

Bandhu @ Budhu Shivnath Chouhan

Through Next Friend

Shivnath Chouhan and Another

...Respondents

WITH
CIVIL APPLICATION NO. 1210 OF 2025
IN
FIRST APPEAL NO. 2507 OF 2024

Mr. Suraj R Bagal, Advocate for the Appellant.

Mr. Shaikh Sohail Yusuf, Advocate for Respondent No.1

CORAM : SANJAY A. DESHMUKH, J.

DATE : MARCH 27, 2026

PER COURT :

CIVIL APPLICATION NO. 1210 OF 2025

1. Heard learned counsel for the parties.
2. This is an application seeking permission to withdraw the amount deposited in this Court pursuant to the award.
3. The learned counsel for the insurance company strongly opposed the application and submitted that there is serious doubt about the involvement of the offending vehicle in the accident in question.

4. Upon perusal of the impugned judgment and after considering the grounds raised by the learned counsel for the appellant in the appeal, it would be proper to partly allow the application. Hence, the following order:

ORDER

- A) The application is partly allowed.
- B) The applicant is permitted to withdraw 50% of the amount out of the amount deposited by the appellant in this Court, along with accrued interest thereon, on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- C) A further 25% of the amount along with accrued interest thereon, is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- D) It is clarified that the Registry shall not insist upon the valuation report of the property or surety from the Revenue Department.

(SANJAY A. DESHMUKH, J.)