



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

963 CIVIL APPLICATION NO. 14162 OF 2025
IN FA/2981/2025

KALYAN KISAN WARE AND OTHERS
VERSUS
CHOLA MS INSURANCE CO. LTD. AND OTHERS

...
Advocate for Applicant : Mr. Ankita Jayprakash Mantri.
Advocate for Respondent No.1 : Mr. Anand Dale, h/f Mr. S. S. Rathi.
...

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

DATE : 28th 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 opposed the application and submitted that the offending truck though said to have dashed to the motorcycle, no such damage was caused. Therefore, the said incident of accident is impossible. He submitted that there is delay of 26 days for lodging the report / FIR. He, therefore, prayed to reject the application.

4 All these factual aspects are to be considered at the time of

deciding the appeal. The report has been lodged and the driver has been prosecuted.

5 Considering all these aspects as well as the arguments of both the sides, the following order is passed :-

ORDER

- I. The applicants are permitted to withdraw 50% of the amount out of the amount deposited by the appellant in this Court, with accrued interest thereon, on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. With this, the civil application for withdrawal of amount stands disposed of.

Appeal:

6 Call for record and proceedings.

7 Stand over to 27th February, 2026.

[SANJAY A. DESHMUKH, J.]