



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

**948 CIVIL APPLICATION NO. 2580 OF 2026
IN FA/2154/2025**

Shahzadbi Gafoor Bagwan And Others
VERSUS
Hdfc Ergo General Insurance Company Ltd

...

Mr. P P More, Advocate for Applicants

Mr. M. R. Deshmukh, Advocate for Respondent

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 01.04.2026

PER COURT :-

1. This is an application seeking permission to withdraw the amount deposited in this Court pursuant to the award.
2. Heard learned advocates for both sides.
3. Learned advocate for the respondent/Insurance company strongly opposed the application and submitted that the policy in question was an act policy and therefore, the application deserves to be rejected.
4. On perusal of the application, it appears that the defence as to whether the policy was only an Act Policy has not been decided. It is also not clear from the record whether such an issue was raised or whether it was put to the claimant during

cross-examination. Considering the facts and circumstances of the case, it would be proper to partly allow the application. Hence, the following order:

::ORDER::

- a. The application is partly allowed.
- b. The applicants are permitted to withdraw 40% 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.

[SANJAY A. DESHMUKH, J.]

HRJadhav