



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

964 CIVIL APPLICATION NO. 3265 OF 2026
IN FA/3931/2023

SHIVKANTA W/O GANESH SAKHARE AND OTHERS
VERSUS
CHOLAMANDALAM MS GENERAL INSURANCE CO LTD

...
Advocate for Applicants : Mr. Hamzakhan Ismailkhan Pathan.
Advocate for Respondent No.1 : Mr. Aniruddha S. Usmanpurkar.
...

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

DATE : 05th May, 2026.

P.C.:

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

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

3 The learned counsel for the appellant strongly opposed the application and submitted that the involvement of the offending vehicle is doubtful. The Investigating Officer has mentioned to another vehicle in the report and the charge-sheet has been filed against another vehicle and its driver. The multiplier has been wrongly applied and a huge amount of compensation has been awarded to the claimants. It is pointed out that an amount of Rs.40,00,000/- has already been

withdrawn by the applicants as per the order dated 2nd February, 2024 passed by this Court. He, therefore, prayed to reject the application.

4 On perusal of the application alongwith the earlier order passed by this Court dated 2nd February, 2024, and the marriage invitation card of the daughter of applicant No.1, namely Shreya, whose marriage is scheduled on 13th May, 2026, it would be appropriate to partly allow the application.

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

ORDER

- I. The applicants are permitted to withdraw Rs.10,00,000/- out of the amount deposited by the appellant in this Court 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.
- III. Concerned to act upon an authenticated copy of this order.

[SANJAY A. DESHMUKH, J.]