



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5875 OF 2026
IN
FIRST APPEAL NO. 1292 OF 2026

Shital Rushikesh Chandratre and others
versus
Dilip Shivaji Patil and another

....
Advocate for the applicant: Mr. Suniket A. Kulkarni
Advocate for the respondent No.2: Mr. A.S. Usmanpurkar
.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 11th JUNE, 2026

PER COURT :-

1. This is an application for withdrawal of the amount. Perused the application and heard learned advocates for the parties. Learned Advocate for the respondent Insurance Company strongly opposed the application and submitted that there is a defence of non-involvement of the offending vehicle in the accident. Further, the salary of the deceased, Rushikesh, has not been proved by cogent and acceptable evidence. He, therefore, prayed for rejection of the application.

2. On perusal of the application and considering the facts and circumstances of the case, it would be proper to allow the application to the extent of permitting to withdraw 50% amount.

3. Considering the peculiar facts of this case, the application is thus partly allowed. The applicants are permitted to withdraw 50% amount with accrued interest thereon, on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court. However, it is clarified that if the children of deceased Rushikesh require some more amount for their educational purpose, alongwith the documentary evidence, they may file application for withdrawal of the amount in future.

4. In first appeal, await service. Stand over to 23.07.2026.

(SANJAY A. DESHMUKH, J.)

rlj/