

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

967 CIVIL APPLICATION NO.14868/2022
IN FA/364/2022

KALPANA RAJABHAU @ RAJENDRA JADHAV AND OTHERS
VERSUS
THE NEW INDIA INSURANCE COMPANY LTD., THR. ITS BRANCH
MANAGER, BEED AND OTHERS

Advocate for Applicants : Mr.Lakhotiya Pawan K.
Advocate for Respondent No.1 : Mr.S.S.Dargad h/f.
Mr.Chapalgaonkar S.G.

CORAM : S. G. DIGE, J.

DATE : 20th October, 2022

PER COURT :-

1. Heard learned counsel for the applicants and learned counsel for respondent No.1.
2. Learned counsel for the applicants submits that the deceased was Karta of applicants' family. Applicant Nos.2 to 4 are taking education. There is no source of income to the applicants. They need the amount for their daily expenses. Due to shortage of funds, applicants are facing starvation. Hence, requested to allow the application.
3. Learned counsel for respondent No.1 submits that respondent No.1 has filed the appeal on the grounds of false

involvement of vehicle and income of the deceased is considered on higher side. Learned counsel for respondent No.1 further submits that accident was occurred on 30-11-2017 whereas First Information Report (FIR) was given on 06-12-2017. There is delay of six days in filing the FIR. There is no Medico Legal Case entered anywhere. It creates doubt about happening of the accident. Hence, requested to dismiss the application.

4. I have heard both the learned counsel. The deceased was Karta of the applicants' family. Applicants need the amount for their daily expenses and education of applicant Nos.2 to 4. The Tribunal has fastened liability on respondent No.1 to pay the compensation. Hence, I pass the following order :

ORDER

- i] The application is allowed.
- ii] The applicants are permitted to withdraw 25% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.
- iii] The applicants are permitted to withdraw 25% amount along with accrued interest thereon out of deposited amount on furnishing solvent surety / security.

iv] Remaining 50% amount be deposited in Fixed Deposit in any Nationalized Bank.

v] Civil Application is disposed of accordingly.

(S. G. DIGE)
JUDGE

SPT