

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

24 CIVIL APPLICATION NO.1896 OF 2022
IN FAST/734/2020 WITH CA/366/2020 IN FAST/734/2020

RUPALI MAHENDRA BHISE AND ORS
VERSUS
THE MANAGER, NEW INDIA ASSURANCE CO. LTD.,
AHMEDNAGAR AND OTHERS

...
Advocate for Applicants : Mr. Y. H. Lagad h/f Karpe Rahul R.
Advocate for respondent No.1 : Mr. A.S. Usmanpurkar
....

CORAM : S. G. DIGE, J.
DATE : 10.08.2022

PER COURT :-

Heard learned counsel for the applicants.

2. Learned counsel for the applicants submits that the judgment and award passed by learned Member Motor Accident Claim Tribunal, Ahmednagar is challenged by respondent No.1 before this Court and respondent No.1 has deposited entire award amount before this Court. The applicants are the legal heirs of deceased. They have no source of income. Applicant No.1 is the wife of deceased, whereas applicant No.2 and 3 are son and daughter of deceased. Applicant No.4 is old aged mother of the deceased. They are facing financial difficulties,

due to death of Karta of their family. Hence, requires money for their day to day business. Hence, requested to allow the application.

3. Learned counsel for respondent No.1 strongly objected to allow the application on the ground that there is false involvement of the vehicle in the said accident. The FIR is lodged after 15 days of the accident. Initially the report was given that the accident was occurred due to skidding of the motor cycle but later on it is shown that dash is given to the said motor cycle by the car. The owner of the car is relative of the deceased. It shows that there is involvement of all relatives in the said accident. The said accident is a fake accident. Hence, requested to dismiss the application.

4. I have heard both the learned counsel.

5. Applicant No.1 is widow of the deceased. Applicant Nos. 2 and 3 are taking education. Applicant No.4 is mother of the deceased. There is no source of income to all of them. The amount is required for education of applicant No.2 and 3 and for medical treatment of applicant No.4. Applicants require amount for their day to day expenses. The grounds raised by respondent No.1 can be considered at the time of final hearing.

If surety is taken from the applicants for amount given to them, it would meet the ends of justice. Hence, I pass the following order.

ORDER

- (I) Application is allowed.
- (ii) Applicants are permitted to withdraw 25% amount along with accrued interest thereon on furnishing solvent surety.
- (iii) Application is disposed of.

**(S.G. DIGE,)
JUDGE**

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