



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 CIVIL APPLICATION NO. 5119 OF 2024
IN FA/3106/2023

Subhash Ramdas Rane And Anr

VERSUS

Magma Hdi General Insurance Company Limited And Ors

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Advocate for Applicant : Mr. M.M. Bhokarikar

Advocate for Respondent 1 : Mr. S.S. Patil h/f. Mr. R.H. Dahat

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CORAM : KISHORE C. SANT, J.

Dated : June 13, 2024

PER COURT :-

1. Heard the learned counsel for the applicants/original claimants and the learned counsel for the Insurance Company.
2. This application is preferred by the original claimants/respondents in appeal for withdrawal of the amount. The claimants are parents, legal representatives of the deceased. They approached the learned MACP, Jalgaon claiming compensation. The learned MACT was pleased to allow the claim of the applicants and awarded amount of Rs. 23,89,000/-. The Insurance Company has approached this Court by filing First Appeal No. 3106/2023. The appellant also filed application for stay, which came to be allowed by this Court, subject to deposit of the compensation amount alongwith interest as directed by the MACT. The appellant has deposited amount of Rs.39,23,268/- in this Court, pursuant to the order passed in stay application.
3. The learned advocate for the applicants submits that both the

applicants are parents of the deceased. The learned MACP has rightly allowed MACP No. 226/2016 vide judgment and order dated 16.3.2023. In view of the stay granted by this Court, they are deprived of their right to get compensation.

4. The learned advocate for the Insurance Company vehemently opposes the application, stating that it is the case of contributory negligence and liability is fasten only on the appellant. He, thus, prayed for rejection of the application.

5. Considering the arguments and the fact that the claimants have lost their son, it would be in the interest of justice to allow the applicants to withdraw 50% of the amount deposited by the Insurance Company in this Court. Hence, the following order.

ORDER

(i) The application is allowed.

(ii) The applicants are entitled to withdraw 50% of the amount deposited by the Insurance Company in this Court on furnishing an undertaking that in case the appeal is allowed, they will re-deposit the amount within a period of twelve weeks from the date of said judgment.

(iii) The amount be disbursed in the proportion as directed by the MACT, Jalgaon.

(iv) Civil Application is disposed of.

(KISHORE C. SANT, J.)

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