



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1018 CIVIL APPLICATION NO. 6969 OF 2024
IN FAST/8471/2024

Pratima W/o. Virendra Yadav & othersApplicant

VERSUS

Vikram Hiralal Mashru & anotherRespondents

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Mr. S. B. Choudhari, Advocate for Applicant.

Mr. A. B. Gatne, Advocate for Respondent No. 2.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 16th AUGUST, 2024.

PER COURT :

1. Heard Mr. Choudhari, learned counsel for the Applicant and Mr. Gatne, learned counsel for contesting Respondent/Insurance Company. Applicants/original claimants are seeking permission for withdrawal of amount deposited by Appellant/Insurance Company.

2. In an unfortunate motor accident, deceased lost his life. He was occupant of a car. In all six vehicles were involved in the accident including the car. The First Information Report was lodged against the owner of tanker insured with insurance company. After investigation, driver of tanker was prosecuted. The claim petition was filed by Applicants raising claim of compensation from owner,

driver and insurer of the tanker under Section 166 of Motor Vehicles Act. The Tribunal, after considering material on record, concluded that the tanker driver was sole responsible for the accident and passed award of Rs. 36,75,000/- in favour of the claimants. The insurer of tanker challenged award on ground that there was no negligence on the part of the tanker driver and he has been falsely prosecuted. Further, the other vehicles involved in the accident but owner and driver of such vehicles are not made party.

3. Considering the submissions advanced, it is apparent that the death of the deceased in the accident is not disputed. Involvement of tanker and prosecution of its driver for rash and negligent driving is also not disputed. In that view of the matter, there is no impediment in permitting claimants to withdraw 50% of compensation amount deposited by the insurance company together with proportionate interest. Rest of the amount be invested in FDR till disposal of the appeal. Civil Application stands disposed of.

(S. G. CHAPALGAONKAR)
Judge