



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

CIVIL APPLICATION NO. 14544 OF 2023 IN FAST/18928/2023

MANGAL RAJENDRA MORE AND OTHERS
VERSUS
THE UNITED INDIA INSURANCE COMPANY LTD THROUGH
BRANCH OFFICER

...
Advocate for Applicants/claimants : Mr. Amol S. Gandhi
Advocate for Respondent No.1 : Mr. S. R. Bagal
...

CORAM : S. G. MEHARE, J.

DATE : 02-02-2024

PER COURT :-

1. Heard the learned counsel for the applicants/claimants and the learned counsel for the respondent No.1/appellant.
2. Learned counsel for the insurer submits that since the offending vehicle is not involved in the accident and there was inordinate delay in F.I.R., insurer is not liable to pay compensation.
3. Per contra, learned counsel for the applicants/claimants submits that the learned Tribunal has considered all these factors and correctly discarded the defence. The applicants were widow, minor children and old aged mother. They have lost their income source.
4. Considering the dispute raised before this Court, the application deserved to be partly allowed. Hence, the order;

ORDER

- i) The application is partly allowed.
- ii) The applicants are permitted to withdraw the amount of Rs.20,00,000/- (Rs. Twenty Lakh Only) from the amount deposited and apportioned as per the apportionment done by the learned Tribunal, on furnishing an undertaking that they will deposit the amount, if the impugned judgment and award is reversed.
- iii) The balance amount be invested in the fixed deposit in any Nationalized Bank, as per rules.

(S. G. MEHARE)
JUDGE

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