



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

CIVIL APPLICATION NO. 50 OF 2024
IN FAST/22314/2023

TARAMATI ASARAM DOLZAKE AND OTHERS
VERSUS
MAHESH ANNASAHAB TAUR AND ANOTHER

...
Advocate for Applicant : Mr. Pramod C. Mayure
Advocate for Respondent No.2 : Mr. V. R. Mundada
...

CORAM : S. G. MEHARE, J.

DATE : 02-02-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for respondent No.2/insurer.
2. Learned counsel for respondent No.2/insurer states that the offending vehicle was not involved in the accident. There was an inordinate delay of three months in lodging the first information report. Hence, claim of the applicants/claimants was to be dismissed. However, the learned Tribunal erroneously held the insurer liable to pay compensation.
3. Learned counsel for the claimants submits that delay in F.I.R. was properly explained. It was proved that the offending vehicle was involved in the accident. The applicants had discharged their burden to prove the negligence. Hence, the impugned award is free from error of law and infirmity.

4. Considering the issue involved in the case and admitted fact of death of deceased in the accident, following order is passed;

- i) The application is partly allowed.
- ii) Applicants No.1 to 3, the mother and two children of the deceased are permitted to withdraw the amount of Rs.14,00,000/- from the amount deposited with the Court. Out of the said amount, Rs.5,00,000/- be released in the name of applicant No.1/wife and Rs.4,50,000/- each, be invested in fixed deposit in any Nationalized Bank in the name of minors/applicant No.1 under the natural guardian mother, till they attain majority, with a right to accrue interest with quarterly rests, on furnishing an undertaking that she will deposit the money, if the impugned judgment and award is reversed.
- iii) The balance amount be deposited in the fixed deposit in any Nationalized Bank, as per rules, till the conclusion of the appeal.

**(S. G. MEHARE)
JUDGE**

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