IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 632 OF 2024
IN FAST/19875/2022

1. Pranjali Mahesh Mote,
2. Manthan Mahesh Mote, (Minor),
3. Sanjay Machindra Mote,
4. Sunita Sanjay Mote
   R/o. Ahmednagar .. Applicants

Versus

1. Ganesh Mahadev Bhoge,
2. Pramodkumar Suryabhan Gore,
3. The Branch Manager, HDFC General
   Insurance Co. Ltd., Pune .. Respondents

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for Applicants;
Mr. Mohit R. Deshmukh, Advocate for Appellant/Respondent No.3

CORAM : S. G. MEHARE, J.

DATE : 19-01-2024

PER COURT :-

1. Heard the learned counsel for appearing parties.

2. The appellant/insurer has preferred appeal mainly on the point of quantum and source of the income of deceased. The insurance company had a stand that so-called transport business and agricultural operations were continued, therefore, there was no loss in the business. Their stand also was that the employee could not do additional business of transportation and agriculture. This probability is not possible. He has also argued that his father

is doing the business, therefore, multiplier is incorrectly applied.

3. The learned counsel for the applicants submits that the facts have been proved on leading evidence. The insurer has indirectly admitted that the deceased was engaged in the transport business. There was no evidence of having no loss from agricultural operations.

4. In the facts and circumstances of the case, the applicants are entitled to withdraw the deposited amount. Hence, the order;

i) Civil application is partly allowed.

ii) The applicants are entitled to withdraw 60% of the amount deposited with accrued interest.

iii) The share of minor applicant No.2 be invested in the fixed deposit under the guardianship of mother with accrued interest at quarterly rest on furnishing an undertaking that they will re-deposit the amount, if the judgment and order is reversed.

(S. G. MEHARE)
JUDGE

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