



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

**CIVIL APPLICATION NO. 404 OF 2025
IN FAST/7653/2024**

**ANVARI HUSEN SHAIKH AND ORS
VERSUS
HE ORIENTAL INSURANCE CO LTD AND ANR**

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Mr. Vaibhav Balajirao Dhage, Advocate for Applicants.
Mr. Chaitanya V. Dharurkar, Advocate for Respondent No.1.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th JANUARY, 2025.**

P.C.:-

1. Heard learned Advocate appearing for the respective parties.
2. By this application, applicants seek withdrawal of the amount deposited by respondent/insurance company in pursuance to the award dated 24.03.2023 passed by the Motor Accident Claims Tribunal, Biloli in M.A.C.P. No.26/2019.
3. The applicants are dependents of deceased Sayed Hasan, who died in motor vehicular accident dated 02.03.2019. They set up claim under Section 166 of the Motor Vehicle Act claiming compensation from owner and insurer of the offending Tempo Traveler bearing Registration No.MH-20-AY8632.
4. The learned Tribunal upon consideration of pleadings and evidence of parties, allowed claim and directed respondent to pay compensation of Rs.46,77,856/- alongwith interest @ 7.5% per annum to the claimants.

5. The aggrieved insurer filed Appeal before this Court mainly on the ground of negligence and quantum. There is no dispute about accidental death and involvement of insured vehicle. The issue as raised in the Appeal can be considered at the stage final hearing. However, at this stage entitlement of claimants for partial withdraw the amount cannot be disputed. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The applicants are permitted to withdraw 60% of the compensation amount deposited by respondent/insurer on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- c. The rest of the amount be kept in a Fixed Deposit for the term that offers a higher rate of interest.

(S. G. CHAPALGAONKAR)
JUDGE