2025:BHC-AUG:11654

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

79 CIVIL APPLICATION NO. 1114 OF 2025
IN FAST/2961/2024

Dipali Sudhir Kharate And Ors
VERSUS
The Oriental Insurance Co Ltd And Anr
...
Advocate for Applicant : Mr. C. R. More h/f G.T. Kharate
Advocate for Respondent 1 : Mr D P. Deshpande
...
WITH
CIVIL APPLICATION NO. 2133 OF 2025 IN FAST/2951/2024

Arun Baburao Ade
Versus
The Oriental Insurance Company Ltd and another.
...
Mr. O.M Joshi advocate for applicant.
Mr. D.P. Deshpande advocate for respondents.
...

CORAM : S. G. CHAPALGAONKAR, J.
Dated : April 09, 2025

ORDER :-

Application for withdrawal of amount (CA 1114/2025 in FAST 2961/2024):-

1. Heard learned advocates appearing for the respective parties.

2. The applicants are original claimants in M.A.C.P. No.42 of 2019. They claimed compensation towards accidental death of bread earner i.e. Sudhir, who died in motor-vehicular accident. Tribunal, after considering rival contentions and evaluation of evidence, allowed claim petition and directed

respondents to pay total compensation of Rs.32,13,000/- alongwith interest.

3. Aggrieved insurer filed the appeal assailing award on the ground of quantum.

4. Considering submissions advanced and reasons as recorded by the Tribunal, dispute in appeal is limited. The claimants are therefore certainly entitled for partial withdrawal of the amount. In that view of the matter, applicants/claimants are permitted to withdraw 60% amount of compensation on furnishing usual undertaking to the satisfaction of the registrar Judicial of this Court that, in case, adverse order is passed, they shall re-deposit the amount. Civil application stands disposed of.

CA 2133 of 2025 in FAST 2951/2024:- (withdrawal)

1. Heard learned advocates appearing for the respective parties.

2. The deceased was owner/driver of the vehicle insured with the appellant. Admittedly a personal accident benefit for Rs.2 lakh was extended under the policy. Tribunal after considering aforesaid fact awarded compensation of only Rs.2 Lakh that too on the basis of private contract between the parties. Once, the Insurer had accepted premium to grant insurance cover of Rs.2 lakh, it was expected that such amount be released immediately without even intervention of the Court. However, in such case, claimants were required to approach the Tribunal and even after getting award of compensation face appeal before this Court, which is

unfortunate. In that view of the matter, the application is allowed. The claimant is permitted to withdraw the entire amount of compensation with accrued interest as deposited by the insurer. Civil application stands **disposed of.**

(S. G. CHAPALGAONKAR, J.)

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