



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 1466 OF 2025
IN FAST/18692/2024**

SMT MALA NATWAR SURYAWANSHI AND ORS
VERSUS
RELIANCE GENERAL INSURANCE CO LTD AND ANR

...
Mr. Pramod C. Mayure, Advocate for Applicants.
Mr. A. S. Usmanpurkar, Advocate for Respondent No.1.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 14th FEBRUARY, 2025.**

P.C.:-

1. Heard learned Advocates appearing for the respective parties.
2. The applicants are original claimants in M.A.C.P. No.39/2020. They instituted claim seeking compensation towards accidental death of deceased Natwar Suryawanshi. It is alleged that while deceased was traveling on his motorcycle, insured Truck dashed him. Consequently, he suffered fatal injuries. The claimants pleaded that they were dependent on his income and he was serving at Sitaram Creation Private Limited and earning Rs.12,000/- per month. Apart from that, he had income from agriculture land.
3. The respondent/insurance company contested the claim on the ground of contributory negligence and quantum. The Tribunal upon assessment of evidence on record held that accident occurred due to sole negligence on the part of the Truck driver and directed respondents to jointly and severally pay compensation of Rs.26,39,000/- to the claimants. The insurer filed present Appeal assailing said award carrying forward its defence of contributory negligence and quantum.

4. Having considered submissions advanced, it can be observed that Tribunal accepted income of the deceased @ Rs.12,000/- per month on the basis of evidence of employer and recorded findings of negligence against Truck driver relying upon police papers. In that view, entitlement of the claimants for partial withdrawal of the amount cannot be disputed. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The claimants are permitted to withdraw 70% of the amount deposited by the appellant/insurance company, subject to filing an undertaking to the satisfaction of the Registrar (Judicial) of this Court, stating that they shall re-deposit the amount if so directed at the conclusion of the proceedings in the appeal.
- c. The amount falling to the share of applicant nos.2 and 3 shall be invested in fixed deposits to the extent their 50% share in compensation amount permitted to be withdrawn.

(S. G. CHAPALGAONKAR)
JUDGE