



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

**906 CIVIL APPLICATION NO. 1782 OF 2025
IN FAST/24236/2024**

JYOTI W/O YOGIRAJ RATHOD AND OTHERS

VERSUS

**THE DIVISIONAL MANAGER, RELIANCE GENERAL INSURANCE
COMPANY LTD AND OTHERS**

....

Advocate for Applicants : Mrs. Meera Ambadasrao Bhosle
Advocate for Respondent No.1 : Mr. Aniruddha S. Usmanpurkar

....

WITH

**CIVIL APPLICATION NO. 9714 OF 2024
IN FAST/24236/2024**

**THE DIVISIONAL MANAGER, RELIANCE GENERAL INSURANCE
COMPANY LTD**

VERSUS

JYOTI W/O YOGIRAJ RATHOD AND OTHERS

....

Advocate for Applicant : Mr. Aniruddha S. Usmanpurkar

....

WITH

**CIVIL APPLICATION NO. 9715 OF 2024
IN FAST/24236/2024**

**THE DIVISIONAL MANAGER, RELIANCE GENERAL INSURANCE
COMPANY LTD**

VERSUS

JYOTI W/O YOGIRAJ RATHOD AND OTHERS

....

Advocate for Applicant : Mr. Aniruddha S. Usmanpurkar

....

CORAM : S. G. CHAPALGAONKAR, J.

Dated : 13th February 2025

PER COURT :-**ORDER ON WITHDRAWAL OF AMOUNT :**

1. Heard learned advocates appearing for respective parties.
2. The applicants/original claimants are seeking permission to withdraw the amount, deposited by the respondent insurance company in pursuance of order dated 14.03.2024, passed by learned Chairman, Motor Accidental Claims Tribunal at Aurangabad.
3. The claimants are dependents of deceased Yogiraj Kisan Rathod, who died in motor vehicle accident on 23.03.2019. The claim was instituted under Section 166 of the Motor Vehicle Act, for compensation against the owner and insurer of offending vehicle i.e. tipper. The Tribunal after evaluation of evidence, allowed the claim and passed an award of Rs.26,28,200/-.
4. The aggrieved insurance company filed the present appeal carrying forward its defence of contributory negligence and quantum.
5. The perusal of the judgment passed by learned Tribunal shows that, on the basis of documentary evidence, the issue of negligence has been decided against the driver of tipper. The income

of the deceased has considered notionally @ Rs.10,000/- per month. Therefore, the entitlement of the claimants for partial withdrawal of amount cannot be disputed. In that view of the matter, following order is passed.

ORDER

- I. The application is partly allowed.
- II. The applicants/claimants are permitted to withdraw 60% amount of the compensation amount along with accrued interest, deposited by the insurance company on furnishing undertaking to Registrar (Judicial) of this court that they shall redeposit amount in case adverse order is passed in Appeal.
- II. Rest of the amount be kept in fixed deposit till final disposal of the Appeal.

ORDER ON CIVIL APPLICATION FOR DELAY :

6. Reissue notice to unserved respondents, returnable on 27.03.2025.

ORDER ON CIVIL APPLICATION FOR STAY :

7. Learned advocate appearing for the applicant submits that, entire amount as awarded is deposited with the registry of this court.

8. The statement is supported by endorsement. In that view of the matter, civil application is allowed in terms of prayer Clause (B) and accordingly, the application is disposed off.

(S. G. CHAPALGAONKAR, J.)

asd