



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 2495 OF 2025
IN FA/782/2025

DURGABAI ASHOK SHINDE
VERSUS
BHANUDAS SHRIPAT KATARI AND ANR

....
Mr. Sohail Yusuf Shaikh and Shaikh Mazhar A. Jahagirdar,
Advocate for the Applicant
Mr. S. R. Bodade, Advocate for Respondent No.2

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.05.2025

PER COURT :-

- . Heard learned Advocates for respective parties.
2. Applicant is seeking permission to withdraw the compensation amount deposited by the respondent/insurance company in pursuance to the award dated 17.01.2024 passed by the Motor Accident Claims Tribunal, Shrirampur in M.A.C.P No.222 of 2017.
3. Applicant is the original claimant in M.A.C.P No. 222 of 2017. She sustained injuries to her shoulder and face. The respondent/Insurance company contested the claim on the ground

that she was traveling in goods carrier, and therefore, the risk of gratuitous passenger carried in goods vehicle would not be statutorily covered. On evaluation of evidence, Tribunal accepted her claim as she was found travelling alongwith goods.

4. Considering the reasons adopted by the Tribunal *prima facie* claimant is entitled for partial withdrawal of the amount. Hence, Application is allowed. The Applicant/Claimant is permitted to withdraw 50% of the compensation amount as deposited by the respondent/Insurance Company on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court that she shall re-deposit the amount, in case, adverse order is passed in appeal.

[S. G. CHAPALGAONKAR, J.]

HRJadhav