



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

**CIVIL APPLICATION NO. 1883 OF 2025
IN FAST/13009/2024**

SHARMILA NAVNATH BORADE AND OTHERS
VERSUS
THE MANAGER MAGMA HDI GENERAL INSURANCE CO LTD
AND ANR

...

Mr. D. A. Mane h/f Mr. Nagesh Guruling Talekar, Advocate for Applicants.

Mr. S. S. Patil h/f. Mr. Rohit H. Dahat, Advocate for Respondent No.1.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 21st FEBRUARY, 2025.**

P.C.:-

1. Heard learned Advocates appearing for the respective parties.

2. The respondent/insurer assails award passed by Tribunal on the ground that, in fact deceased himself was driver of the vehicle involved in the accident, however, owner of the vehicle has been wrongly shown as driver. Secondly, the deceased did not die as a direct result of the injuries sustained in the accident, but he was later on operated and cause of death lies in medical treatment advanced to him.

3. Perusal of reasons given by Tribunal shows that aforesaid objections are appropriately considered. *Prima facie*, claimants are entitled for partial withdrawal of the amount. Hence, following order:

ORDER

a. Civil Application is partly allowed.

b. The applicants are permitted to withdraw 70% of the amount deposited by the appellant, 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of minors shall be invested in fixed deposits to the extent their 50% share in compensation amount permitted to be withdrawn.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/February-2025