



THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 X-OBJECTION NO. 72 OF 2025
IN FA/2871/2024

Deepa Amit Thole And Others
VERSUS
Ms Samruddha Food India Ltd And Ors
...
Advocate for applicant : Mr. S.S. Kulkarni

WITH
CIVIL APPLICATION NO. 2132 OF 2025 IN FA/2871/2024
WITH
CIVIL APPLICATION NO. 12607 OF 2024 IN FA/2871/2024

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 07, 2025

PER COURT :-

1. Heard.
2. In Cross objection, issue notice to the respondents, returnable on 21.4.2025. Mr. Deshmukh, learned advocate waives notice for respondent no.4.

CA for Withdrawal :-

1. Heard Mr. Kulkarni, learned counsel appearing for the applicant and Mr. Deshmukh, learned advocate for respondent insurance company.
2. The applicants are claimants in MACP no.68 of 2014. They lodged claim seeking compensation towards accidental

death of Amit Thole, who died in motor vehicular accident dated 31.3.2014. The Tribunal, after evaluation of the evidence, accepted case of the claimants and passed an award of Rs.31,07,746/- alongwith interest @ 9% p.a.

3. The respondent/insurer filed present appeal assailing the award on two grounds. Firstly, driver of the insured vehicle was not holding valid license. As such, there was breach of the policy. Secondly, assessment of compensation is excessive and exorbitant.

4. Perused the reasons as adopted by the tribunal. So far as defence of the driving license is concerned, it would be something between the appellant, insurer and owner of the vehicle. So far as quantum of compensation is concerned, the Tribunal relied upon income tax returns of the deceased and made assessment. In that view of the matter, the claimants are certainly entitled for partial withdrawal of the amount.

5. Hence, claimants are permitted to withdraw 75% of the amount as deposited by the appellant-insurance company alongwith accrued interest thereon subject to furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount be kept in fixed deposit till disposal of the appeal. Ca stands disposed off.

Stay Application :-

6. Mr. Deshmukh, learned counsel for the applicant submits that entire amount is deposited . His statement is supported by

office endorsement. Hence, application is allowed in terms of prayer clause 'B' and **disposed of**.

(S. G. CHAPALGAONKAR, J.)

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