



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 2645 OF 2025
IN FAST/1642/2025**

POOJA SANDEEP SHELAR AND OTHERS
VERSUS
NEW INDIA ASSURANCE COMPANY LIMITED AND ANR

...
Mr. Amol Subhash Gandhi, Advocate for Applicants.
Mr. M. R. Deshmukh, Advocate for Respondent No.1.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 05th MARCH, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. The applicants are original claimants in M.A.C.P. No.45/2018 and seeking withdrawal of amount in pursuance to award dated 20.08.2024 passed by Motor Accident Claims Tribunal, Kopergaon, Dist. Ahmednagar.
3. The deceased Sandeep Shelar alleged to have suffered injuries in motor vehicular accident dated 21.01.2018 while he was proceeding on motorcycle and alleged to have dashed by insured car. The accident was reported to police on 24.01.2018. During medical treatment, Sandeep died on 28.01.2018. The postmortem was not conducted and cause of death as appearing from treatment papers is 'septicemia'. The claimants filed M.A.C.P. No.45/2018 before the Tribunal raising claim for compensation under Section 166 of the Motor Vehicle Act.
4. The appellant/insurer refuted claim firstly doubting involvement of insured vehicle and secondly doubting nexus between cause of death and injuries suffered in accident.

5. The Tribunal after evaluation of evidence, allowed claim and directed respondents to jointly and severally pay compensation of Rs.74,49,878/-. Aggrieved insurer filed present Appeal assailing award, thereby carrying forward defence raised before Tribunal.

6. Having considered submissions advanced and reasoning as adopted by Tribunal, presently award is in favour of claimants. The issues as raised by insurer will have to be considered at the time of final disposal of Appeal. Till then, claimants are certainly entitled for partial withdrawal of amount as deposited by insurer. Considering fact that applicant/claimant no.2 is minor, his amount needs to be kept undisturbed. The amount falling to share of claimant nos.1 and 4 can be considered for grant of withdrawal. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The applicant no.1 is permitted to withdraw amount of Rs.30,00,000/- on furnishing undertaking to the satisfaction of Registrar (J) of this Court that she shall redeposit amount, in case adverse order is passed in Appeal.
- c. The applicant no.4 is permitted to withdraw amount of Rs.8,00,000/- on furnishing undertaking to the satisfaction of Registrar (J) of this Court that she shall redeposit amount, in case adverse order is passed in Appeal.
- d. Rest of amount be kept in Fixed Deposit till final disposal of Appeal.

(S. G. CHAPALGAONKAR)
JUDGE