



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

**924 CIVIL APPLICATION NO. 6447 OF 2025
IN FAST/7251/2025**

MANSARAM GANPAT NAGLOT AND ANR

VERSUS

ANITA PRATAP NAGLOT AND ORS

WITH

**CIVIL APPLICATION NO. 2718 OF 2025
IN FAST/7251/2025**

UNITED INDIA INSURANCE CO LTD

VERSUS

ANITA PRATAP NAGLOT AND OTHERS

WITH

**CIVIL APPLICATION NO. 2719 OF 2025
IN FAST/7251/2025**

UNITED INDIA INSURANCE CO LTD

VERSUS

ANITA PRATAP NAGLOT AND OTHERS

WITH

**CIVIL APPLICATION NO. 6446 OF 2025
IN FAST/7251/2025**

ANITA PRATAP NAGLOT AND ANR

VERSUS

GANESH KADUBA THOMBARE AND ANR

Mr.A.T. Kanwade and Ms. M.V. Manal, Advocate for the applicants-claimants.

Mr. M.R. Deshmukh, Advocate for the insurance company.

**CORAM : KISHORE C. SANT, J.
DATE : 08.10.2025**

PC :-

CIVIL APPLICATIONS FOR WITHDRAWAL OF AMOUNT

01. Heard learned Advocates for the parties. Both these applications are filed for withdrawal of amount of compensation deposited in this Court by the appellant-insurance company. Civil Application No. 6446 of 2025 is filed by widow and daughter of deceased Pratap. In Civil Application No. 6447 of 2025, the applicants are parents of the deceased. Two separate applications are filed as there is also dispute between them in a suit.

02. The applications are opposed by learned Advocate Mr. Deshmukh for the appellant-insurance company. He submits that in the present case, the deceased himself was negligent while driving the vehicle. His motor-cycle gave dash to the jeep vehicle insured by the appellant, in broad day light from behind, which clearly shows that he was equally negligent. However, the learned Tribunal has considered his extent of negligence only 10%. The FIR is lodged after eight days. He further submits that the learned Tribunal has proceeded on the theory that the jeep driver applied sudden breaks to the jeep and therefore the accident took place. There is no any material to show this position, no tyre marks of jeep were seen on the road. In panchanama, nothing is brought on record to support this theory. The panchanama itself was drawn eight days after the accident and as such there was no question of any tyre marks.

03. It is true that there are no tyre marks are seen in the panchanama drawn after eight days. The FIR was lodged belatedly.

However, it is case that the deceased was admitted to hospital for almost seven days and it is only after his death the FIR came to be lodged. Certainly, there is some ground involved in the appeal, which needs to be considered.

04. The learned Tribunal has already recorded that the deceased was also negligent. Certainly that percentage is as low as 10%. However, to consider the extent of negligence, this can be decided only at the time of final hearing.

05. Considering the above, following order :-

- i) The applicants-claimants in Civil Application No. 6446 of 2025 are entitled to withdraw 50% of the amount along with accrued interest on giving usual undertaking.
- ii) The applicants-claimants in Civil Application No. 6447 of 2025 are permitted to withdraw 50% of the amount along with accrued interest. Out of the said 50% of the amount, 30% of the amount shall be withdrawn on giving usual undertaking and 20% amount shall be withdrawn on giving solvent surety/security to the satisfaction of learned Registrar Judicial of this Court.
- iii) The amount shall be withdrawn as per the share determined by the learned Tribunal.

- vi) Remaining amount shall be invested in fixed deposit of any nationalized bank to be renewed from time to time till disposal of the appeal.
- v) The Civil Applications for withdrawal of amount accordingly stand allowed and disposed off.

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. This Civil Application is filed for condonation of delay of 53 days caused in filing the Appeal. For the reasons stated in the application, the delay stands condoned. The Civil Application is accordingly allowed and is disposed off.

CIVIL APPLICATION FOR STAY

01. Since the applicant-appellant has already deposited the amount in this Court, there shall be stay to the impugned judgment and award till disposal of the appeal. The Civil Application is accordingly allowed and is disposed off. The First Appeal be registered.

FIRST APPEAL

01. Heard.

02. Admit. Respective advocates for the respondents waive notice.

[KISHORE C. SANT, J.]