



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

**21 CIVIL APPLICATION NO. 3326 OF 2025  
IN FA/870/2022**

Pushpa Sharad Shelke And Ors

....Applicants

**VERSUS**

The Oriental Insurance Co. Ltd.,  
Thr Divisional Office

.....Respondents

.....

Mr. Kadu Shivraj B, Advocate for Applicants

Mr. A. S. Deshpande, Advocate for Respondent No.1

.....

**CORAM : NEERAJ P. DHOTE, J.**

**DATE : 24.03.2025**

**PER COURT :**

1. This is an Application filed by the Claimants for withdrawal of the amount deposited by the Insurance Company in this Court.

2. It is submitted by the learned Advocate for the Applicants that, the Appeal is preferred by the Insurance Company against the Judgment and Order / Award dated 04/05/2016 passed by the learned M.A.C.T, Kopargaoon, District Ahmednagar, in M.A.C.P No.35/2012. He submits that, the Applicants, who are the legal heirs / representatives of the Deceased, who met with an accidental death, were permitted to withdraw 50% of the amount, which was awarded by the learned Tribunal, by order dated 07/02/2017. He submits that, thereafter, the Applicants were permitted to withdraw Rs.5,00,000/- [Rs. Five Lakhs] from the remaining 50% balance amount by order dated 22/03/2022. He submits that, the marriage of Applicant No.5 [Surabhi Sharad Shelke] has been fixed and likely to be performed in the month of May - June, 2025 and for that purpose, the Claimants are in need of money. He submits

that, the remaining amount is Rs.6,24,000/- [Rs. Six Lakhs Twenty Four Thousand] apart from the interest. He submits that, Application be allowed.

2. The Application is opposed by the learned Advocate for the Respondent - Insurance Company. He submits that, already substantial amount is allowed to be withdrawn by the Claimants. Hence, Application may be rejected.

3. This is the Appeal against the grant of compensation in favour of the Respondents / Claimants, who are the legal representatives / heirs of the Deceased, who met with an accidental death due to use of motor vehicle. The Insurance Company is in Appeal. The Record and Proceedings are not yet received. The Appeal is of the year - 2022. The reason for withdrawal of the amount is given as marriage of Respondent No.5. The Applicants are ready to give surety as well as undertaking against withdrawal of the amount. In this view of the matter, the following order is passed :-

### **ORDER**

[I] The Application is allowed.

[II] The Applicants are permitted to withdraw Rs.5,00,000/- [Rs. Five Lakhs] from the balance amount of compensation lying with the office of this Court on furnishing solvent security / surety to the satisfaction of the Registrar [Judicial] of this Court and usual undertaking, for the purpose of marriage of Applicant No.5 [Surabhi Sharad Shelke].

[III] The Application is disposed of accordingly.

**[NEERAJ P. DHOTE, J.]**