



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 CIVIL APPLICATION NO. 3986 OF 2025
IN FAST/29955/2024

Indubai Kailas Sapkale Koli And Anr
VERSUS
Ramesh Ramu Chaudhari And Anr

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Advocate for Applicant : Mr. Swapnil Patil

Advocate for Respondents : Mr. S.M. Ganachari For R/2

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WITH
CIVIL APPLICATION NO. 12027 OF 2024 IN FAST/29955/2024
(stay)

CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 09, 2025

ORDER :-

CA for withdrawal of the amount :-

1. Heard learned advocates appearing for the respective parties.
2. The claimants are parents of the deceased, who lost his life in motor vehicular accident dated 25.12.2011. They approached Tribunal seeking compensation of Rs.11,50,000/- under section 166 of the Motor Vehicles Act. Tribunal, after considering rival submissions and evaluation of the evidence allowed claim and directed respondent nos.1 and 2 to jointly and severally pay compensation of Rs.10,39,200/- alongwith interest @ 7.5 % p.a. from the date of filing of the claim petition.

3. Aggrieved insurer filed present appeal before this Court, firstly on the ground that earlier claimants had filed a petition under Employees Compensation Act and that was withdrawn and secondly that deceased was sitting on head of the tractor as such his risk was not covered. Perusal of the reasons as recorded by the Tribunal shows that WCA No.13/2012 was withdrawn with permission. Secondly, evidence on record suggests that deceased was not on the head of the tractor but he was beside tractor when accident occurred.

4. Looking to the reasons as adopted by the tribunal, the claimants are certainly entitled for partial withdrawal of the amount. Hence, application is allowed. The claimants are permitted to withdraw 70% amount of compensation as deposited by the respondent/insurer subject to condition that the applicants files an undertaking to the satisfaction of the Registrar Judicial that they shall re-deposit the amount, in case, adverse order is passed in appeal. CA stands disposed of.

Stay application :-

5. Mr.Ganachari, learned advocate appearing for the applicant submits that entire amount as per the award passed by the Tribunal is deposited in this Court. Said statement is supported by office endorsement. In that view of the matter, application is allowed in terms of prayer clause 'B' and is disposed of.

(S. G. CHAPALGAONKAR, J.)

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