



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

976 CIVIL APPLICATION NO. 8982 OF 2025

IN FA/805/2025

KAMAL BALIRAM BHAGAT AND OTHERS

VERSUS

**UNITED INDIA GENERAL INSURANCE CO LTD THROUGH
ITS BRANCH MANGER AND ANR**

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Advocate for Applicants : Mr. Dargad Swapnil Sunilkumar.

Advocate for Respondent No.1 : Mr. S. S. Rathi.

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WITH CIVIL APPLICATION NO. 4428 OF 2025

IN FA/805/2025

**UNITED INDIA INSURANCE COMPANY LTD THROUGH ITS
BRANCH MANAGER**

VERSUS

KAMAL BALIRAM BHAGAT AND OTHERS

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Advocate for Applicant : Mr. Swapnil Satyanarayan Rathi.

Advocate for Respondents : Mr. Dargad Swapnil Sunilkumar.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 20.08.2025

PER COURT :-

1. Heard both sides.

2. Civil Application No.8982 of 2025 is for withdrawal of Rs.10,70,278/- deposited by the respondent/insurance company. It is contended that in an accident dated 11.06.2016, Baliram sustained injuries and succumbed to death. FIR was lodged on 14.06.2016 at the instance of one Ashok who saw the deceased lying in an injured condition. It is contended that

the applicants are entitled to receive the compensation as they are in need of money. My attention is adverted to the police papers.

3. Per contra, learned counsel Mr. Rathi would vehemently oppose the application. It is submitted that entire episode is very suspicious because FIR lodged by Ashok is silent regarding so called confession of Macchindra. For the first time, in supplementary statement recorded on 15.6.2016, it is revealed from Macchindra, who volunteers that he was not riding the offending vehicle which ran over the deceased. It is further informed that Macchindra was tried and he was acquitted. Macchindra has contested the present claim.

4. I have considered the rival submissions of the parties. FIR is silent regarding involvement of offending vehicle as well as panchanama. Ashok who is informant has not been examined by the appellant. Macchindra is acquitted in a criminal case and he contested the claim before the Tribunal. These circumstances create doubt and I am inclined to permit the applicants to receive entire amount. Ends of justice would be met in permitting them to receive Rs.3,50,000/- deposited in this Court.

5. Civil application for withdrawal of amount is allowed partly permitting the applicants to receive the amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. Balance amount shall be invested in Nationalized Bank.

In First Appeal.

7. **Admit.**

8. Learned counsel Mr. Dargad waives service of notice for respondents/claimants.

9. Call for Record and Proceedings from the concerned Court if not called for.

In Civil Application for Stay

10. As the entire amount has been deposited, ad-interim relief granted earlier shall stand confirmed.

11. Civil application is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-