



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

44 CIVIL APPLICATION NO. 4808 OF 2025
IN FIRST APPEAL NO. 842 OF 2025

MEERABAI MARUTI SUTAR AND OTHERS
VERSUS
BRANCH MANAGER, NATIONAL INSURANCE COMPANY LTD AND
ANOTHER

...
Mr. Anand S. Dale h/f. Mr. Swapnil S. Rathi – Advocate for
Applicants
Mr. S.R. Bodade – Advocate for Respondent No.1

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CORAM : SHAILESH P. BRAHME, J.
DATE : 28.07.2025

PER COURT :

1. Heard both sides.
2. The applicants are praying for withdrawal of amount deposited by respondent No.1 – Insurance Company. Respondent No.1 – Insurance Company has deposited amount of Rs. 25,000/- towards statutory deposit and amount of Rs.3,85,112/- in pursuance of the order passed by this Court.
3. Learned Counsel – Mr. S.R. Bodade appearing for respondent No.1 – Insurance Company opposes the submissions on the ground that there is breach of policy and the vehicle was being used for the

purpose of carrying passengers for hired and reward. The injuries are subsided and the Insurance Company is not liable to pay anything.

4. During the course of submissions, it is pointed out that arising out of the same accident, different claim petitions were filed, and against the award passed by the Tribunal, appeals are preferred by the Insurance Company. In those matters withdrawal of 50% to 100% of the deposited amount is granted by different orders of this Court. Considering the conspectus of the matter, I am of the considered view that the applicants are entitled to receive 70% of the deposited amount in this Court with accrued interest on furnishing undertaking.

5. Civil Application is partly allowed by permitting the applicants to withdraw 70% of the deposited amount.

6. The deposited amount with accrued interest shall be transmitted at M.A.C.T., Latur and shall be disbursed therefrom.

[SHAILESH P. BRAHME]
JUDGE

Pooja Kale