



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

**37 CIVIL APPLICATION NO. 4871 OF 2025
IN FA/773/2025**

**NISHA PREMANAND LONKAR AND OTHERS
VERSUS
CHOLAMANDALAM MS GENERAL INSURANCE CO LTD AND ORS
WITH
CIVIL APPLICATION NO. 12211 OF 2024
IN FA/773/2025**

**CHOLAMANDALAM MS GENERAL INSURANCE CO
VERSUS
NISHA PREMANAND LONKAR AND OTHERS**

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Mr. A. D. Sonar, Advocate for applicants and for respondent No.1
in CA No.12211/2024

Mr. Abhijit Choudhari, Advocate for Respondent No.1 and for the
applicant in CA No.12211/2024

Mr. Lalitkumar S. Mahajan, Advocate for Respondent No.2 and for
respondent No.3 in CA No. 12211/2024

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.05.2025

PER COURT :-

CA FOR WITHDRAWAL OF AMOUNT

. Heard learned Advocates appearing for respective parties.

2. Applicants are seeking permission to withdraw the amount deposited by the respondent/insurance company as per award passed by the Tribunal. Applicant lost her son in motor

vehicular accident. The offending vehicle was owned by her husband/father of deceased. The insurance company took defence that such a claim would not be maintainable and the claimants cannot be treated as dependents. Tribunal after evaluation of evidence, accepted the case of the claimants and passed the award, which is impugned in the appeal by the insurance company.

3. Considering the submissions advanced and the reasons as adopted by the Tribunal, the fact remains that the applicant lost her son in motor vehicular accident. Although the vehicle was owned by her husband/father of deceased, her entitlement cannot be disputed; however, the share of compensation awarded on the basis of dependency may require consideration.

4. In that view of the matter, the application is partly allowed. The applicants are permitted to withdraw 50% of the compensation amount along with accrued interest thereon, on condition that they file an undertaking to the satisfaction of the Registrar (Judicial) of this Court that they shall re-deposit the amount, in case, adverse order is passed in appeal. Such undertaking to be made part of the appeal memo.

APPLICATION FOR STAY

. Heard Mr. Chaoudhari, learned Advocate appearing for the applicant. He submits that the entire amount as per the award passed has been deposited with the Registry of this Court.

2. In that view of the matter, application is allowed in terms of prayer clause (B) and disposed of.

IN APPEAL

. Admit.

2. Print and paper book dispensed with.

3. Learned Advocates waive notice for respective parties.

[S. G. CHAPALGAONKAR, J.]

HRJadhav