



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

CIVIL APPLICATION NO. 4884 OF 2025 (withdrawal of amount)
IN FA/846/2025

Varsha Vilas Gote And Ors
VERSUS
Shriram General Insurance Co Ltd And Anr

Mr.S.R.Bagal, Advocate h/f. Mr.S.V.Bhopi, Advocate for applicants
Mr.Abhijit Choudhari, Advocate for respondent no.1

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Feeling aggrieved by the judgment and award dated 20.07.2024, passed by learned Member, M.A.C.T., Hingoli, in M.A.C.P. No.28/2019, the insurance company has lodged the First Appeal. Pursuant to the order of this court while granting stay to the execution and operation of the impugned award, the insurance company/appellant has deposited the entire payable award amount in this court together with interest accrued thereon. This is an application for withdrawal of the said amount.

2. Learned counsel for the applicant submits that the applicant is in dire need of money. The bread winner in the family is lost in the accident. Learned Tribunal has passed the award after

examining the case of the respective parties. With this, he seeks permission to withdraw the claim amount.

3. Mr.Choudhari, learned counsel for the insurance company submits that the FIR was lodged next day after the accident and against an unknown vehicle. However, subsequently by supplementary statement, the insured vehicle has been involved in the accident. He submits that involvement of the insured vehicle highly doubtful. He, therefore, opposes the application.

4. Having heard learned counsel for the parties, I am of the view that the impugned judgment and award is passed by learned Tribunal, after assessing the evidence on record and applying its judicious mind on the basis of the facts and evidence existed before it. Today, the award is in favour of the applicant/claimant. Although the entitlement of the applicant to receive the claim amount, is highly disputed by the appellant – insurance company; yet, today, the the impugned judgment and award stands in favour of the applicant. I am of the view that the applicant cannot be deprived of, at least, some portion of the compensation. At the same time, the interest of the appellant – insurance company has to be protected.

5. Hence, the following order:-

(i) Civil Application is partly allowed.

(ii) The applicant is permitted to withdraw Rs.10 Lakhs together with interest accrued thereon, on furnishing undertaking to the satisfaction of learned Registrar (Judicial). The applicant is also permitted to withdraw further Rs.5 Lakhs together with interest accrued thereon, on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.

In Appeal:-

6. Admit. Mr.Abhijit Choudhari, learned counsel, waives notice for respondent no.1. Office objections, if any, be removed within four weeks from today, failing which the appeal shall suffer de-registration.

[AJIT B. KADETHANKAR, J.]

KBP