



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

**CIVIL APPLICATION NO. 6484 OF 2025
IN FAST/19689/2024**

**BEBABAI PRATAP MHASKE AND OTHERS
SICICI LOMBARD GENERAL
INSURANCE COMPANY LTD AND ORS**

VERSUS

NATIONAL INSURANCE COMPANY LTD AND OTHERS

.....

Advocate for the Applicants: Mr. Shrikant S.Patil

Advocate for Respondents : Mr.Aniruddha S.Usmanpurkar

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 27th JUNE 2025

PER COURT :

1. Applicants are praying for withdrawal of the amount deposited by the Respondent/insurance company. It is contended that defendants lost their source of income. The family was having income from milk business and agricultural land. A cogent evidence was produced on record to make out a case that annual income at the relevant time was Rs.5,64,300/-

2. Learned counsel Mr.Usmanpurkar for the insurance company strongly opposes the submissions. He would submit that quantum is exorbitant and in the absence of any cogent evidence like Income tax returns, it can not be conceived that deceased was earning anything substantial from the business.

3. Considering rival submissions of the parties and after perusing

the judgment and award, at this juncture it can not be said that income of milk business is axiomatic. Material is placed on record to make out income from milk business. Whether the quantum is exorbitant or not would be considered at the time of final hearing. At this stage, I find that the applicants who are defendants, are entitled for financial assistance. They are entitled to receive 50% of the amount deposited by the respondent/insurance company.

5. Civil application is allowed partly. Applicants shall be disbursed 50% of the amount deposited by the respondent/insurance company on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in the Nationalized Bank.

[SHAILESH P BRAHME, J.]

vsj..