



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO. 5254 OF 2025
IN FA/79/2025

PALLAVI TUKARAM JADHAV AND OTHERS
VERSUS
FUTURE GENERAL INDIA INSURANCE CO LTD KOLHAPUR
THROUGH THE BRANCH MANAGER AND ANOTHER

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Advocate for Applicants : Mr. Kadam Jaydeep Samadhan.
Advocate for Respondent No.1 : Mr. Abhijit Choudhari.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 13.06.2025

PER COURT :-

1. Heard learned counsel Mr. Kadam for the applicants and Mr. Choudhari for respondent No.1/insurance company.
2. Applicants are seeking withdrawal of amount of compensation deposited by respondent No.1/insurance company.
3. Respondent No.1/insurance company has preferred appeal challenging judgment and order passed by Motor Accident Claim Tribunal awarding compensation of Rs.18,47,500/- payable by respondent No.1/insurance company. This Court imposed condition while granting ad-

interim stay to deposit entire amount of award. Accordingly, respondent/insurance company has deposited Rs.22,12,813/-.

4. Learned counsel for the applicants submits that the only bread earner of family is lost in the accident. The applicants are in need of money. For the reasons stated in the application, it is desirable to disburse the amount to the applicants.

5. Per contra, learned counsel Mr. Choudhari appearing for respondent No.1 would point out that in fact its a case of contributory negligence. The manner in which the accident has been posed, raise a serious doubt. In all probabilities, Tukaram was driving the vehicle and due to his negligence, accident occurred. There is delay in lodging first information report. There is no reason to infer that belated lodging FIR is after thought.

6. I have considered rival submissions of the parties. Factum of accident and the death cannot be disbelieved. Whether deceased Tukaram was himself driving the vehicle or negligent can be considered at the time of final hearing. At this juncture, applicants can be said to be entitled to certain amount. Considering the averments of the application, interest of justice would be subserved by permitting them to withdraw 50% of the amount.

7. Civil application is partly allowed permitting the applicants to withdraw 50% of the amount on furnishing undertaking.

(SHAILESH P. BRAHME, J.)

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vmk/-