



This order is corrected as per order dated 18.06.2025

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

**926 CIVIL APPLICATION NO. 5029 OF 2025
IN FA/59/2025**

**RATNABAI WO RAJU BHOMBE AND ORS
VERSUS
IFFCO TC KIYO GENERAL INSURANCE CO LTD AND ANR**

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Mr. Digambar Sathe, Advocate for the Applicants
Mr. S. S.Rathi, Advocate for Respondent No.1

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.05.2025

PER COURT :-

. Heard learned Advocates appearing for respective parties.

2. The applicants are seeking permission to withdraw the amount deposited by the respondent in pursuance to the award dated 30.09.2024, passed in MACP No.400 of 2023 at Aurangabad. Undisputedly, deceased Nilesh Raju Bhombe, who was bread earner of the applicants' family, lost his life in motor vehicular accident dated 15.12.2022. The claim was filed under Section 164 of Motor Vehicles Act, 1988. Insurance company contested the claim on the ground that the driver of the offending

crane was not duly licensed. The Tribunal partly accepted their defence and ultimately passed the award in the nature of pay and recovery. Learned Advocate appearing for the appellant submits that since the award has been passed under Section 164 of Motor Vehicles Act, pay and recovery order could not have been passed. The aforesaid issue would be considered at the time of final disposal of appeal. However, since it is undisputed that the deceased died in an accident involving an insured vehicle, and pay and recovery order has already been passed, the claimants are entitled for partial withdrawal of the amount.

3. In that view of the matter, application is partly allowed. **Applicant Nos.1 and 2** are permitted to withdraw 50% amount of compensation as deposited by respondent/insurance company on furnishing usual 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.

[S. G. CHAPALGAONKAR, J.]