



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

147 CIVIL APPLICATION NO. 8970 OF 2025
IN FA/3024/2024
WITH
CIVIL APPLICATION NO. 13168 OF 2024
IN FA/3024/2024

KOMAL BALASAHEB ADAGALE AND ORS
VERSUS
BHIVAJI DIGAMBAR MAIND AND ANR

...
Advocate for Applicants : Mr. Ramankumar Gopal Dodiya
Advocate for Respondent No. 2 : Mr. Abhijit Choudhari
...

AND

148 CIVIL APPLICATION NO. 8971 OF 2025
IN FA/3023/2024
WITH
CIVIL APPLICATION NO. 2956 OF 2025
IN FA/3023/2024
WITH
CIVIL APPLICATION NO. 13165 OF 2024
IN FA/3023/2024

MUKTABAI MANIK ADAGALE AND ANR
VERSUS
BHIVAJI DIGAMBAR MAIND AND ORS

...
Advocate for Applicants : Mr. Ramankumar Gopal Dodiya
Advocate for Respondent No. 2 : Mr. Abhijit Choudhari
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 02.09.2025

PER COURT :

ORDER IN WITHDRAWAL APPLICATIONS :

1. Heard both sides.
2. These applications are filed for withdrawal of the amount deposited by the respondent Insurance Company in First Appeal No. 3024 of 2024. The amount of Rs. 22,61,325/- is deposited. The Claimants are widow, three children and the mother of the deceased. It is informed that applicant No. 4 Ritisha is no more. The widow of the deceased i.e. Komal was not granted any compensation as she contracted a marriage.
3. It reveals from the record that the mother of the deceased has granted amount of Rs. 4,10,200/-. In First Appeal No. 3023 of 2024 amount of Rs. 20,28,075/- is deposited by the Insurance Company. The applicants are the mother and son Nilesh of the deceased. The widow Sheetal and daughter Anushka have filed independent application. It is transpired that in that case the mother and widow were granted compensation of Rs. 3,68,800/- each.
4. All applications are contested by the Insurance Company vehemently due to false involvement of the vehicle in the accident in question. It is contended that accident took place on 26.06.2017 and the registration number of the offending vehicle is reported to be MH-44-D-2141. In the supplementary statement the registration number is changed as MH-44-D-1975, which is very suspicious. Learned Advocate Mr. Chaudhari adverted my attention to the papers of the investigation. It is submitted that a false case of accident is made out to get compensation.
5. I have considered rival submissions of the parties.

Accident took place on 26.06.2017 causing death of two persons. The claimants are their dependents. In First Appeal No. 3024 of 2024, widow of the deceased namely Komal has not been granted compensation because of her re-marriage. Applicant No. 4 Ritisha is reported to be no more. Therefore, presently I propose to grant part of the compensation to the mother of the deceased Wanchabai W/o Dadarao Adagale.

6. It reveals from the record that no complaint is lodged by the Insurance Company with police for false involvement of the vehicle. I have guided by the law laid down by the **Hon'ble Supreme Court in Geeta Dubey Vs. United India Insurance Company Ltd., - AIR 2025 SC 386.** The rival submissions of the parties on merit can be considered at the time of final hearing. It is desirable to take cognizance of the needs of the applicants.

7. In first Appeal No. 3023 of 2024 the children of the deceased i.e. Nilesh and Anushka are minor. They are being looked after by Muktabai and Sheetal respectively. I propose to grant part of the compensation to the mother Muktabai and Sheetal. I therefore, pass following order :

ORDER

(I) (a) The Civil Application No. 8970 of 2025 is allowed partly permitting applicant No. 5 Wanchabai W/o Dadarao Adagale. to receive Rs. 4,00,000/- (Rs. Four Lakhs Only) on furnishing an undertaking to the satisfaction of the Registrar, (Judicial) of this Court.

(b) Remaining applicants shall be at liberty to move application for withdrawal of balance amount, after attending majority.

(II) (a) The Civil Application No. 8971 of 2025 is partly allowed by permitting applicant No. 1 Muktabai Manik Adagale, who received amount of Rs. 3,00,000/- (Rs. Three Lakhs Only) on furnishing an undertaking to the satisfaction of the Registrar, (Judicial) of this Court.

(b) The applicants shall be at liberty to file application for withdrawal of balance amount after attending majority.

(III) (a) The Civil Application No. 2956 of 2025 is partly allowed by permitting applicant Sheetal Arun Adagale to receive Rs. 4,00,000/- (Rs. Four Lakhs Only), on furnishing an undertaking to the satisfaction of Registrar, (Judicial) of this Court,

(b) She is at liberty to withdraw the amount if any, after attending majority.

ORDER ON STAY APPLICATION :

9. The Civil Applications are disposed of as the entire amount is deposited by the Insurance Company.

(SHAILESH P. BRAHME)
JUDGE

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