



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 CIVIL APPLICATION NO. 5931 OF 2025
IN FAST/19709/2024

SUDHABAI SURESH SONAR AND ANR
VERSUS
THE NEW INDIA ASSURANCE CO LTD
THROUGH ITS MANAGER LEGAL AND ORS

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Advocate for the Applicants : Mr. Mohit Shrikant Shah
Advocate for Respondent No.1 : Mr.Anand Dale h/f.Mr. S.S. Rath

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CORAM : SHAILESH P BRAHME, J.
DATE : 19.08.2025

PER COURT :

. Heard both sides.

2. Present application is for withdrawal of amount of Rs.46,80,992/- deposited by the Respondent/insurance company besides statutory deposit of Rs.25000/-

3. It is submitted by learned counsel for the applicants that it's a death claim and offending vehicle is reported by the eye-witness i.e. PW-2/Santosh. It is submitted that the applicants are in need of money.

4. *Per contra*, learned counsel for the respondent/insurance company would submit that it's a case of implanting of vehicle. A

totally false claim is made which is evident from the police papers. There is delay of about 12 days in lodging first information report. The conduct of the witness PW-2/Santosh is doubtful. It is further contended that one of the claimants is in service.

5. I have considered rival submissions of the parties and I have gone through the impugned judgment. The police papers are produced before the tribunal. The statement of eye-witness PW-2/Santosh was recorded by the police which is at Exhibit-46. First information report was lodged on 11.04.2016. It further transpires that respondent/insurance company did not lead any evidence. No complaint is lodged with the police for false implanting of vehicle. I am guided by principles laid down by the Supreme Court in the matter of **Geeta Dubey and Ors. vs. United India Insurance Co.Ltd. And Ors** reported in **AIR 2025 SC 386**. Considering the oral evidence led by the applicants and the police papers, the tribunal found that offending vehicle is involved in the offence.

6. It is not possible at this stage to arrive at the conclusion on the basis of rival submissions of the parties. It is evident that it's a death claim and PW-2/Santosh identified the vehicle. Applicants are entitled to receive part of the amount deposited by the insurance company.

7. Civil application is allowed partly permitting the applicants to receive 60% of the amount with accrued interest deposited by the

Respondent/insurance company on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

8. Balance amount shall be invested in nationalized bank.

[SHAILESH P BRAHME, J.]

vsj..