



This order is corrected in view of speaking to minute order dated 18.09.2025.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

143 CIVIL APPLICATION NO. 6263 OF 2024
IN FAST/14190/2024
WITH
CIVIL APPLICATION NO. 493 OF 2025
IN FAST/14190/2024

NATIONAL INSURANCE CO. LTD, THROUGH ITS DIVISIONAL
MANAGER

VERSUS

ANITABAI SOMINATH LAHANE AND OTHERS

...

Advocate for Applicant : Mr. Bodade Shrikrishna R.

Advocate for Respondent Nos. 1. 3 to 5 : Mr. Gore Ravindra Vitthal

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 02.09.2025

PER COURT :

ORDER ON APPLICATION FOR WITHDRAWAL :

1. Heard both the sides.
2. The applicants/Original Claimants seek withdrawal of the amount of Rs. 26,61,710/- besides Rs. 25,000/- as a statutory deposit. The applicants are dependents upon the deceased. It is contended that the deceased was the sole bread earner, who lost his life and the entire family is facing penurious

situation. The widow has examined herself, who was the pillion rider in the accident took place.

3. The application is contested by the learned Advocate for the Insurance Company. It is submitted that in the First Information Report the registration number of the vehicle was not mentioned. After about 10 months, the registration number was disclosed in the supplementary statement, which creates doubt about the involvement of the offending vehicle. It is submitted that no independent witness has been examined. It is further submitted that the involvement of the vehicle is seriously doubted and it would be risky to release the amount.

4. I have considered the rival submissions of the parties.

5. The First Information Report discloses type of the vehicle but not the registration number. There is delay of about 10 months in bringing on record the registration number of the vehicle. At this juncture, it is not possible to examine the consequences of the delay in disclosing the registration number of the offending vehicle. I have guided by the case law of the Hon'ble Supreme Court in **Geeta Dubey Vs. United India Insurance Company Ltd, - AIR 2025 SC 386**. It is informed that the insurance Company did not make any complaint regarding false involvement of the vehicle. Therefore, I deem it appropriate to permit the applicants to receive part of the amount deposited by the Insurance Company.

6. The Civil Application is partly allowed and permitted the **Applicant Nos.1, 3, 4 and 5** to receive 50% of the amount deposited on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court and further 25% of the amount deposited on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this court.

7. The balance amount shall be invested in any Nationalized Bank.

ORDER ON DELAY CONDONATION APPLICATION :

8. For the reasons stated in the application, delay of 23 days stands condoned.

9. The Civil Application stands disposed of.

ORDER ON STAY APPLICATION :

10. As the entire amount is deposited, ad-interim-relief granted earlier shall stands confirmed.

11. The Civil Application stands disposed of.

ORDER IN FIRST APPEAL :

12. Heard.

13. **Admit.**
14. Mr. Gore, waives service of notice for respondents.
15. Call for record and proceedings, if not called for.

(SHAILESH P. BRAHME)
JUDGE

mahajansb/