



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

**CIVIL APPLICATION NO. 6169 OF 2025
IN FAST/5567/2025**

**DADA SHANKAR SONTAKKE SINCE AND
OTHERS DEAD THROUGH HIS LEGAL HEIRS**

VERSUS

NATIONAL INSURANCE COMPANY LTD AND ANOTHER

WITH

**CIVIL APPLICATION NO. 6163 OF 2025
IN FAST/5587/2025**

**PADMINI SHANKAR SONTAKKE SINCE DEAD
THROUGH HER LEGAL HEIRS AND OTHERS**

VERSUS

NATIONAL INSURANCE COMPANY LTD AND ANOTHER

...

Advocate for Applicants : Mr. A.A. Nimbalkar
Advocate for Respondent No.1 : Mr. Usmanpurkar Aniruddha Sudhakarrrao

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 24th JULY 2025

PER COURT :

1. Heard both sides.

2. Both applications are for direction to disburse the amount deposited by the Insurance Company. In First Appeal Stamp No.5567/2025, amount of Rs.37, 18, 741/- is deposited besides statutory deposit, whereas in First Appeal Stamp NO.5587/2024, amount of Rs.2, 50, 796/- is deposited besides statutory deposit. Both the Claimants are no more and their heirs are praying for withdrawal of amount.

3. Learned Counsel Mr. Usmanpurkar opposes the application. He would submit that, the breach of condition was completely overlooked, and the quantum awarded is excessively high. It is pointed out that even a review petition was filed, albeit it was rejected.

4. Considering the rival submissions of the parties, I am of the considered view that the ends of the justice would be met if the Applicants are permitted to receive 40% of the amount with accrued interest.

5. Both applications are partly allowed, permitting the Applicants to receive 40% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. Balance amount shall be invested in the Nationalized Bank.

**SHAILESH P BRAHME
JUDGE**

NAJEEB..