



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

**CIVIL APPLICATION NO. 5874 OF 2025  
IN  
FIRST APPEAL NO. 2992 OF 2024**

Smt. Sajida Mubarak Inamdar  
and others .. Applicants

**Versus**

Reshma Firoj Sayyed and others .. Respondents

Shri Shaikh Mazhar A. Jahagirdar, Advocate for the Applicants.  
Shri Anand S. Dale, Advocate h/f Shri S. S. Rathi, Advocate for  
the Respondent No. 3.

**CORAM : SHAILESH P. BRAHME, J.  
DATE : 12TH JUNE, 2025.**

**FINAL ORDER :**

. Applicants are seeking withdrawal of the amount which is deposited by the respondent No. 3/Insurance Company to the tune of Rs. 38,04,744/- in this Court. It is a death claim and the applicants are stated to be in need of money. For the reasons stated in the application it is prayed by the learned counsel for the applicants that amount be disbursed to the applicants.

2. Submissions of the applicants are opposed by the learned counsel for the respondent/Insurance company. It is vehemently submitted that the Tribunal has rightly recorded finding that absolutely there was no evidence for any agricultural income or income from milk business. On the basis of notional income the quantum was arrived at. It is further contended that age of the

deceased was 47 years at the time of accident, which could fetch future prospectus not 25% only, instead of 30% which are awarded. Thus, it is contended that already huge and unreasonable quantum has been awarded by the Tribunal.

3. To repel the submissions of the respondent/Insurance company, my attention is adverted by the learned counsel for the applicants that agricultural land stands in the name of the father of the deceased that is why it is not shown in the name of the deceased. It is further submitted that material is placed on record to show that deceased was having income from his milk business. There is prima facie evidence to support the claim.

4. Considering rival submissions of the parties, I find that applicants are entitled to receive some amount out of Rs. 38,07,744/-, deposited by the Insurance Company. Towards future propectus atleast 25% are disbursable. Other contentions and issues can be dealt with at the time of final hearing. Interest of the parties would be sub served by permitting the applicants to receive 50% of the amount deposited.

5. For the reasons stated above, the civil application is allowed partly. The applicants are permitted to withdraw 50% of the amount deposited in this Court by furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The civil application is disposed of.

**[ SHAILESH P. BRAHME J. ]**

*bsb/June 25*