



**CORRECTED ORDER**

*(As per Speaking to minutes order dated 01.10.2025)*

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

CIVIL APPLICATION NO. 7130 OF 2025 (withdrawal of amount)  
IN FAST/14352/2023

Kamlakar S/o Ramrao Kulkarni And Anr  
VERSUS  
Bajaj Allianz General Insurance Co Ltd  
Through Its Branch Manager And Anr

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Mr.S.K.Sawangikar, Advocate for applicants  
Mr.M.R.Deshmukh, Advocate for respondent no.1  
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WITH  
CIVIL APPLICATION NO. 5904 OF 2023 (delay condonation)  
IN FAST/14352/2023  
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**CORAM : AJIT B. KADETHANKAR, J.**  
**DATE : SEPTEMBER 22, 2025**

**ORDER :-**

Feeling aggrieved by the judgment and award dated 26.07.2022, passed by learned Member, M.A.C.T., Parbhani, in M.A.C.P. No.469/2016, the respondent – insurance company has preferred the First Appeal. Pursuant to the stay granted by this court, the appellant – insurance company has deposited the entire award amount together with interest before the Tribunal.

2. This is an application by the original claimant for withdrawal of amount deposited by the insurance company. Learned

counsel for the applicants submits that the applicants lost their daughter in the accident and their entitlement to receive the compensation has been determined by learned Tribunal on assessing the evidence on record and the facts of the case. He would submit that the appellant - insurance company may contest the appeal on its own merits but the applicants must not be deprived of the compensation amount. He, therefore, prays for allowing the application.

3. Mr.M.R.Deshmukh, learned counsel for the insurance company submits that the involvement of the insured vehicle in the accident is disputed. He would submit that even in the absence of any evidence in rebuttal of the facts, it is showed that the accident and involvement of the insured vehicle was seriously doubtful. He would submit that this aspect of the matter has not be properly appreciated by the Tribunal. He, therefore, opposes the application.

4. Upon having heard both sides, I am of the considered view that today, the judgment and the award is in favour of the claimants/applicants. The issue of involvement of the insured vehicle in the accident has been dealt with by the Tribunal, applying its judicious mind. The appellant/insurance company has every

opportunity to demonstrate how the findings of involvement of the insured vehicle as also on the other points, in the appeal itself. At this juncture, the applicants/claimants cannot not be deprived of getting some compensation. At the same time, the interest of the appellant – insurance company is required to be taken care of, since the objection is raised as regards involvement of the insured vehicle.

5. Hence, the following order:-

(i) The application is allowed.

(ii) The applicants are permitted to withdraw an amount of Rs.7.5 Lakhs together with interest accrued thereon, by submitting undertaking to the satisfaction of the Superintendent/Registrar of the learned Motor Accident Claims Tribunal, Parbhani.

**C.A. for condonation delay :-**

6. Stand over for eight weeks to enable the appellant/insurance company to serve notice to respondent no.2.

**[AJIT B. KADETHANKAR, J.]**

KBP