IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 CIVIL APPLICATION NO. 6167 OF 2025
IN FA/547/2025

NISHA DATTATRAY GHODKE AND ORS
VERSUS
THE BRANCH MANAGER AND ORS
.....
Advocate for the Applicant : Mr.Prasanna Shankarrao Chavan
Advocate for Respondent No.1 :Mr.Mohit R.Deshmukh
...

CORAM : SHAILESH P. BRAHME, J.
DATE : 16th JULY 2025

PER COURT :

. Applicants are praying for disbursement of amount of Rs.23,17,817/- deposited by the Respondent No.1/Royal Sundaram General Insurance Company in this Court. It is contended that it's a death claim and applicants are dependants who are in dire need of money. It is submitted by learned counsel for the applicants that applicants are entitled to receive the amount from either of the insurance company and *inter se* liability would not affect the entitlement.

2. It is submitted by learned counsel that offence was registered against driver of the car. The owner, insurer or the driver did not prefer any appeal challenging judgment and award passed by the tribunal. Under these circumstances, prima facie sole liability is of the driver or the Respondent No.5/Insurance company i.e Liberty

General Insurance Company. It is further submitted that quantum arrived at by the tribunal has also been seriously disputed in the present appeal. It is submitted that because of the ad-interim relief granted in present appeal, the tribunal is not permitting the applicants to receive 50% of the amount deposited by Respondent No.5/Insurance Company.

3. I have considered rival submissions of the parties. The accident in question involves two vehicles. The claimants are the passengers in the car. The liability apportioned by the tribunal is only to challenged by Respondent No.1/Royal Sundaram General Insurance Company Ltd. No appeal has been preferred by another insurance company. I find that there is no difficulty in disbursing the 50% of the amount deposited before the tribunal.

4. Applicants are urging for disbursement of the 50% of the amount deposited by Respondent No.1/Insurance company in this Court. Both the parties have raised contentious issues and made rival claims. It would not be possible to render any findings at the interlocutory stage. Prima facie when offence is registered against driver of the car and there are police papers, it would be unsafe to permit the applicants to receive 50% of the amount deposited by the Respondent No.1/Insurance company. I, therefore pass following order :

ORDER

A) Civil application is disposed of with a clarification that applicants shall be entitled to receive 50% of the amount with accrued interest on furnishing undertaking, from the Motor Accident Claims Tribunal,Dharashiv.

[SHAILESH P. BRAHME, J.]

vsj..