2025:BHC-AUG:18880

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 CIVIL APPLICATION NO. 6168 OF 2025
IN FA/546/2025

NISHA DATTATRAY GHODKE
VERSUS
THE BRANCH MANAGER AND ORS

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956 CIVIL APPLICATION NO. 6171 OF 2025
IN FA/545/2025

ANAND PANDURANG GHODKE
VERSUS
THE BRANCH MANAGER AND ORS

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Advocate for the Applicant in both Applications: Mr.Prasanna Shankarrao Chavan
Advocate for Respondent No.1 in both Applications:Mr.Mohit R.Deshmukh
Advocate for Respondent No.2 in CA/6171/2025 : Mr. Prasad S. Dikle

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

PER COURT :

. Heard both sides. None appears for the insurance company.

2. Applicants/original claimants are seeking withdrawal of the compensation deposited by the Respondent No.1/Royal Sundaram General Insurance Company Ltd.

3. Learned counsel Mr.Chavan submits that applicants are entitled to receive the amount in both the appeals which is 50% of total liability computed by the tribunal. It is informed that another

insurance company i.e Liberty General Insurance Company Ltd. is saddled 50% liability. The said insurance company did not prefer any appeal in both the matters and it has deposited entire amount of compensation before M.A.C.T, Dharashiv in both the matters. However, because of the ad-interim relief granted by this Court in favour of the appellant/Royal Sundaram General Insurance Company Ltd. the tribunal is not permitting the applicants to receive the amount deposited by Liberty General Insurance Company.

4. Learned counsel Mr.Deshmukh for the Respondent No.1 submits that 50% of the amount has already been deposited in pursuance of the orders passed by this Court. The Respondent No.1 does not have any objection if the amount deposited in the tribunal by another insurance company is directed to be disbursed to the applicants.

5. Admittedly Respondent No.5/Liberty General Insurance Company has deposited entire amount of compensation before the tribunal in both the matters. It has not preferred any appeal and found itself to be content. First appeal preferred by Respondent/insurance company can be said to be for inter-se liability between Respondent No.1 and Respondent No.5. Ends of justice would be met if it is clarified that applicants are entitled to receive the amount already deposited with accrued interest before the tribunal.

6. Civil applications are disposed of with a clarification that applicants are entitled to receive the amount deposited by Respondent No.5/Liberty General Insurance Company before the tribunal in both the matters with accrued interest on furnishing undertaking.

7. Ad-interim relief granted by this Court on 12.03.2025 shall not be an impediment for permitting the applicants to receive the amount referred above.

[SHAILESH P. BRAHME, J.]

vsj..