



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 CIVIL APPLICATION NO. 2821 OF 2025 IN FAST/16798/2024

Anika Dhirajkumar Kabra And 5 Others

VERSUS

The Reliance General Insurance Co Ltd And Anr

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Advocate for Applicant : Mr.S.S.Gangakhedkar

Advocate for Respondent: Mr.A S Usmanpurkar For R/1, A P
Bhandari For R/2

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WITH

CIVIL APPLICATION NO. 6573 OF 2024 IN FAST/16798/2024

WITH

CIVIL APPLICATION NO. 6575 OF 2024 IN FAST/16798/2024

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 13, 2025

ORDER :-

CA No.6573/2024 (Delay) :-

1. Heard Mr. Usmanpurkar, learned advocate appearing for the applicant. The applicant seeks to condone delay of 21 days caused in filing the appeal.

2. Perusal of the reasons shows that delay is caused on account of administrative exigencies. Hence, sufficient cause is made out. In the result, the application is allowed. Delay of 21 days caused in filing the appeal is condoned. CA stands **disposed of**. Appeal be registered.

Stay application (CA No.6575/2024) :-

3. Mr. Usmanpurkar, learned counsel submits that entire amount of award is deposited. In that view of the matter, application stands allowed in terms of prayer clause 'B' and disposed of.

Withdrawal of the amount CA 2821/2025:-

4. Heard learned advocates appearing for the respective parties.

5. The applicants/claimants, who were dependent of deceased Dhirajkumar instituted claim seeking compensation under the provisions of section 166 of the Motor Vehicles Act contending that he died in accident dated 4.6.2020 due to rash and negligent driving on the part of driver of insured vehicle. The Tribunal, after considering rival contentions, allowed claim petition and passed an award for Rs.50,90,576/- in favour of the claimants. Aggrieved insurer filed present appeal mainly challenging assessment of compensation.

6. Looking to the defence of insurance company, grounds of appeal and reasons as recorded in the order passed by the Tribunal, claimants are certainly entitled for partial withdrawal of the amount deposited by the appellant/insurer. Hence, application is partly allowed. The claimants are permitted to withdraw 60% compensation amount subject to furnishing of usual undertaking to the satisfaction of the Registrar (Judicial) of this Court that, in case, adverse order is passed in appeal, that they would redeposit the amount. Ca stands disposed of.

(S. G. CHAPALGAONKAR, J.)

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