



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

960 CIVIL APPLICATION NO. 6712 OF 2025
IN FA/704/2025

SONU W/O SHIVAJI WAGHMARE AND ORS

VERSUS

NEW INDIA GENERAL INSURANCE COMPANY LTD
CORRECTED AS THE NEW INDIA ASSURANCE COM. LTD
THR AND ORS

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Advocate for Applicants : Mrs. M. V. Narwade h/f Mr. Narwade
Vinayak Pandurangrao.

Advocate for Respondent No.1 : Mr. Maroti Mahadu Ambhore.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 13.08.2025

PER COURT :-

1. Heard both sides.
2. Applicants who are dependents on the deceased have filed present application seeking disbursement of Rs.29,27,133/- deposited by respondent/insurance company. They are badly in need of financial assistance because sole bread earner is no more.
3. Learned counsel Mr. Ambhore opposed the application on the ground that its a case of false involvement of vehicle. There is delay of 16 days in lodging FIR. The police papers are not compatible with the claim.

4. I have considered rival submissions of the parties and also gone through the impugned judgment. Its a death claim and there is no source of income to the applicants. The respondent/insurance company did not lodge any complaint for the false involvement of the vehicle. In view of the judgment of Supreme Court in the matter of Geeta Dubey Vs. United India Insurance Company Ltd., *prima facie* case is made out by the applicants to receive part of the compensation. Ends of the justice would be made if they are allowed to receive 75% of the amount.

5. Civil application is partly allowed by permitting the applicants to withdraw 50% of the amount deposited by respondent/insurance company on furnishing undertaking and further 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Civil application is disposed of accordingly.

6. Balance amount shall be invested in Nationalized Bank.

In First Appeal

7. **Admit.**

8. Learned counsel Ms. Narwade waives service of notice for respondents/claimants.

9. Call for Record and Proceedings from the concerned Court if not called.

(SHAILESH P. BRAHME, J.)

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vmk/-