



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO. 6352 OF 2025
IN FA/441/2025

ARCHANA GIRISH PATIL AND ORS
VERSUS
CHOLAMANDALAM MS GENERAL INSURANCE CO LTD

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Advocate for Applicants : Mr. Mali Amol Sudam.
Advocate for Respondent No.1 : Mr. Swapnil S. Rathi.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 15.07.2025

PER COURT :-

1. Heard both sides.
2. Present civil application is for withdrawal of amount deposited by respondent/insurance company to the tune of Rs.40,49,817/- + statutory deposits of Rs.25,000/-. Applicants are claiming withdrawal for the reasons stated in the application.
3. Learned counsel Mr. Rathi appearing for the insurance company vehemently opposes application. My attention is adverted to the findings recorded by the Tribunal. It is contended that involvement of the vehicle in the accident is doubtful, as the accident is shown to have taken place on 09.01.2020 and it was reported to the police on 14.01.2020. It

is further contended that the deceased is stated to have been employee of firm earning Rs.23,500/- per month. In the cross-examination, it is admitted that the salary was being paid in cash which cannot be countenanced. A single page salary slip which is cryptic in nature is pressed into service. The probative value of the same is doubtful. It is contended that compensation is unreasonable and unsustainable.

4. I have considered rival submissions and also gone through the application as well as impugned judgment. Insurance company has raised dispute about monthly salary of the deceased. The probative value of the salary certificate can be considered at the time of final hearing. Applicants have lost bread earner in the family. At this stage of the proceedings, the monthly income fetched by the deceased from his service cannot be discarded. Ends of justice would be made by permitting the applicants to receive 50% of the amount deposited by respondent/insurance company.

5. Civil application is partly allowed by permitting the applicants/claimants to receive 50% of the amount with accrued interest deposited by the respondent/insurance company on furnishing an undertaking to the satisfaction of Registrar (Judicial).

6. Balance amount shall be invested in Nationalized Bank.

(SHAILESH P. BRAHME, J.)

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vmk/-