

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**951 CIVIL APPLICATION NO. 7499 OF 2019
IN FA/3261/2021**

**SAKHUBAI RAOSAHEB RAKTE AND ANOTHER
VERSUS
TATA A.I.G INSURANCE CO. LTD., THROUGH ITS DIV.
MANAGER, AURANGABAD AND OTHERS**

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Mr. P.C. Mayure, Advocate for the applicants
Mr. S.S. Patil, Advocate for respondent No.1.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 26 FEBRUARY 2025.

ORDER:-

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant Insurance Company alongwith the interest accrued thereon.
3. The learned counsel for the respondent Insurance Company strongly opposed the application on the ground that deceased was gratuitous passenger and therefore, Insurance Company is not liable for paying compensation.
4. However, the Hon'ble Apex Court in latest judgment has already directed the Insurance Company for paying the compensation first and to recover the same by filing proceeding

in the same matter against the owner of the offending vehicle.

In view of the same and considering the quantum of compensation granted by learned M.A.C.T., the applicants are permitted to withdraw 75% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date, on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)