



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

72 CIVIL APPLICATION NO. 2349 OF 2025 IN FAST/17408/2024

Rachana Bhushan More And Ors

VERSUS

National Insurance Co Ltd Through Its Divisional Office And
Ors

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Advocate for Applicant : Mr. L.S. Mahajan

Advocate for Respondent 1 : Mr. A S. Usmanpurkar

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WITH

CIVIL APPLICATION NO. 6564 OF 2024 IN FAST/17408/2024

WITH

CIVIL APPLICATION NO. 6565 OF 2024 IN FAST/17408/2024

National Insurance Co Ltd Through Its Divisional Office And
Ors

Versus

Rachana Bhushan More And Ors

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Mr. A.S. Usmanpurkar advocate for applicants.

Mr. L.S. Mahajan advocate for respondents claimants.

...

AND

73 CIVIL APPLICATION NO. 2576 OF 2025 IN FAST/25373/2024

Rachana Bhushan More And Ors

VERSUS

Cholamandalam General Insurance Co Ltd And Ors

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Advocate for Applicant : Mr. L.S. Mahajan

Advocate for Respondent 1 : Mr. Abhijit Choudhari

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WITH

CIVIL APPLICATION NO. 10784 OF 2024 IN FAST/25373/2024

WITH

CIVIL APPLICATION NO. 10785 OF 2024 IN FAST/25373/2024

CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 01, 2025

ORDER :-

Applications for withdrawal of the amount (CA 2349/2025 & 2576/2025):-

1. Heard learned advocates appearing for the respective parties.
2. The applicants are original claimants, who have instituted a claim for compensation towards death of bread earner against owner and insurer of the tractor and trolley that was involved in the accident. The Tribunal, after evaluation of the evidence, allowed claim for compensation and passed award in favour of the claimants. Insurer of the tractor as well as trolley are held liable to pay 50% of the compensation amount.
3. Respondent/insurer of both the vehicles filed appeals before this Court. Insurer of the tractor contends that tractor was not on the spot at the time of accident, whereas insurer of the trolley contends that the award is excessive and exorbitant.
4. Having considered the submissions advanced and grounds of appeal/s as raised, apparently, entitlement of the claimants to receive compensation is not in dispute. Quantum of compensation would be re-assessed at the time of final hearing of the appeal.

5. In that view of the matter, the applicants in both the applications are permitted to withdraw 75% of the compensation amount as deposited by the appellant/insurer subject to usual undertaking to be filed by the claimants to the satisfaction of the Registrar (Judicial) of this Court that they shall re-deposit the amount, in case, adverse order is passed in appeal. Both the applications for withdrawal of the amount stand allowed in aforesaid terms and disposed of.

Stay applications :- (CA 6565/2024 in FAST 17408/2024 & 10785/2024 in FAST 25373/2024).

6. Learned counsel appearing for the appellant/insurer submits that the amount as per award passed by the Tribunal is deposited with the Registry of this Court. His statement is supported by office endorsement . Hence, application is allowed in terms of prayer clause 'B' and disposed of.

CA No.10784/2024 in FAST 25373/2024 :- (Delay)

7. Mr. Usmanpurkar, learned counsel, on instructions, submits that, he has instructions to appear on behalf of respondent no.7. In that view of the matter, service complete.

In First Appeals :-

8. Learned advocates appearing for the respective parties submits that address of respondent no.6 is incomplete. However, he was served before Tribunal on same address. They do not have any alternative address for his service. Hence, the applicants are permitted to serve respondent no.6 in both the appeals/applications by way of newspaper publication within a

period of eight weeks from today. Copy of such publication be filed within a period of 10 weeks from today.

9. Learned advocates undertake to supply name of newspaper having wide circulations in the concerned District.

(S. G. CHAPALGAONKAR, J.)

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