



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 CIVIL APPLICATION NO. 7165 OF 2025
IN FAST/12930/2025

NAVNATH MURLIDHAR KADAM AND ANR

VERSUS

AVISHKAR TOURS AND TRAVEL PROP DNYANOBA GARUDE AND ANR

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Advocate for Applicant : Mr. Avishkar D. Patil h/f Ms. Lomte Ashwini
Annasaheb

Advocate for Respondent no. 2 : Mr. Abhijit Choudhari

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CORAM : SHAILESH P BRAHME, J.

DATE : 11.08.2025

PER COURT :

Heard both the sides.

2. The applicants are claiming disbursement of the amount deposited by the respondent-Insurance Company to the tune of Rs. 21,05,013/-.For the reasons stated in the application, the parents of the deceased are claiming the amount.

3. The learned advocate for the respondent-Insurance Company opposes the application on the ground that there was no valid contract of insurance between the insurance company and owner of the vehicle. Cheque issued towards premium was dishonoured. Hence the learned counsel submits that this is a fit case to remand the matter to the Commissioner for Employees Compensation and Civil Judge Senior Division.

4. I have gone through the impugned judgment. The respondent-Insurance Company had filed written statement before the Forum below and even admitted that vehicle in question was insured with it. *Prima facie* the

respondent-Insurance Company had opportunity to contest the matter before the learned Commissioner. At present, I find it fit to permit the applicants/parents of the deceased to receive 50% of the amount on furnishing undertaking.

5. The applicants are permitted to receive 50% of the amount with accrued interest deposited before the Commissioner for Employees Compensation and Civil Judge Senior Division, Osmanabad, on furnishing undertaking to the satisfaction of the Forum below.

(SHAILESH P. BRAHME, J.)

mkd/-