IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7927 OF 2025
IN
FIRST APPEAL STAMP NO. 13775 OF 2025

Farjana Dilavar Inamdar and others .. Applicants

Versus

The Oriental Insurance Company
Ltd. Branch Manager Shrirampur
and another .. Respondents

Shri Shaikh Mazhar A. Jahagirdar, Advocate for the Applicants.
Shri Shrinivas M. Ganachari, Advocate for the Respondent No. 1

CORAM : SHAILESH P. BRAHME, J.
DATE : 03RD SEPTEMBER, 2025.

FINAL ORDER :

. Heard both sides.

2. Applicants seek to withdraw an amount of Rs. 60,63,238/- deposited by the respondent No. 1 – Insurance Company, besides statutory deposit of Rs. 25,000/-. Learned counsel for the applicants submits that applicants are dependent upon the deceased, who succumbed in an accident occurred on 04.11.2021. It is submitted that adequate evidence is produced on record indicating loss of income. Entitlement and quantum have been rightly decided by the Tribunal.

3. Application is contested by the respondent No. 1 - Insurance Company. It is contended that income tax returns which are relied upon by the claimants were filed after death of the deceased. There is absolutely no reliable material indicating income from the business. It is further submitted that even mother-in-law, who is one of the claimants has also been granted compensation. The quantum is seriously disputed in the first appeal. Lastly, it is submitted that involvement of the vehicle in the accident is also suspicious.

4. I have considered rival submissions of the parties. Claimants are dependent upon the deceased. Claimant No. 4 is mother-in-law of the deceased. The submission of the respondent No. 1 as to her entitlement can be examined at the time of final hearing of the matter.

5. *Prima facie*, I find substance in the submissions of the learned counsel for the respondent No. 1. The quantum is vulnerable. I am not inclined to permit the applicants to receive entire amount deposited in this Court. However, death occurred in the family and loss of income cannot be overlooked. The insurance company did not lead evidence. If the involvement of the vehicle is suspicious, no complaint is made to the police in that regard. I am guided by the law laid down by the Supreme Court in the matter of **Geeta Dube Vs. United India Insurance Corporation Ltd.** reported in ***AIR 2025 SC 386***.

6. I find that ends of justice would be met in permitting the applicants to receive 70% of the amount deposited by the respondent No. 1 - insurance company. The civil application is partly allowed permitting the applicants to receive 70% of the amount deposited in this Court with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Sept. 25