2025:BHC-AUG:26392

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10285 OF 2025
IN FAST/32767/2024

Lalitabai Hiralal Barela And Ors.
VERSUS
Mahesh Ramvilas Nagori And Anr.

Mr.M.M.Bhokarikar, Advocate for applicants
Mr.B.R.Kedar, Advocate for respondent no.1
Mr.S.S.Rathi, Advocate for respondent no.2

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Feeling aggrieved by the judgment and award dated 06.07.2024, passed by learned Member, M.A.C.T., Jalgaon, in M.A.C.P. No.135 of 2019, the appellant – Insurance company has filed the First Appeal. This is an application for withdrawal of the amount deposited by the appellant – Insurance company.

2. It is submitted that pursuant to the judgment and award impugned in this appeal and also pursuant to the earlier order passed by this court, the appellant – Insurance Company has deposited the entire payable amount together with interest accrued.

3. Mr.Rathi, learned counsel for the appellant/Insurance Company submits that the appeal rests on two objections: (i) Apportionment of negligence and (ii) Assessment of award on the point of income of deceased. He submits that the objection in the appeal is merely of quantum and the insurance company has partially accepted the quantum. So far as regards exaggerated portion of award amount is concerned, the appeal is preferred by the Insurance Company.

4. Having heard both sides, I find that today, the award stands in favour of the applicants/claimants. Their entitlement has been assessed by learned Tribunal on scrutiny of the evidence on record and examining the facts of the case. Hence, the following order:-

(i) The Civil Application is partly allowed.

(ii) Considering the rider put by learned Tribunal in clause 5 of the impugned judgment and award, which protects the interest of minor claimant nos.2 to 6, out of the total amount deposited by the appellant Insurance company, Rs.15 Lakhs, together with accrued interest thereon, is permitted to be withdrawn by the claimants.

[AJIT B. KADETHANKAR, J.]

KBP