



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

**949 FIRST APPEAL NO. 1292 OF 2021
WITH
CIVIL APPLICATION NO. 28 OF 2021
IN FA/1292/2021**

**WITH
CIVIL APPLICATION NO. 10216 OF 2019
IN FA/1292/2021**

**SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AURANGABAD**

VERSUS

ASHWINI UMAKANT WARPE AND ORS

...

Mr. Choudhari Abhijit G. For Appellant, Advocate for Appellant
Ms. Sayali Tekale h.f Dadpe Prasanna D., Advocate for Respondents
No.5

Mr. S. A. Wakure, Advocate for Respondent No.1 to 3 & 4a to 4d

....

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 07/02/2025.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.28 OF 2021:

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the insurance company alongwith the interest accrued thereon.
3. The learned counsel for the insurance company strongly opposed the application on the ground that the offending tractor was not in fact involved in the accident. He pointed out that accident took place on

25/03/2014 and even the brother of deceased was present at the time of spot panchanama as well as accident, he did not disclose the registration number of the tractor. The police machinery after a long gap on 27/06/2014 claimed that they got the registration number of tractor on making enquiry with brother of deceased.

4. However, the owner and driver of the tractor did not dispute involvement of the said tractor in the accident. Moreover, the insurance company also did not examine any witness to support its contention that offending tractor was not involved in the accident. In view of the same and considering the compensation granted by the learned Tribunal, the applicant No.1, who is the widow of deceased is only permitted to withdraw compensation falling to her share as per the apportionment done by the learned MACT alongwith the proportionate interest 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.

B) ORDER IN CIVIL APPLICATION NO.10216 OF 2019 :

Since the appellant – insurance company has deposited entire amount of comeprnsatin, the application is made absolute in terms of prayer clause-B and disposed of accordingly.

C) ORDER IN FIRST APPEAL NO.1292 OF 2021:-

1. Heard.
2. ***Admit.***
3. The learned counsel for the respondents / claimants as well as the learned counsel for respondent No.5 owner, waive service.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-