



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CIVIL APPLICATION NO. 10215 OF 2024 IN FA/850/2024

Sonali Pintu Bhil And Others.

VERSUS

The Divisional Manager, New India Assurance Company Ltd
And Another

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Advocate for Applicant : Mr. L.S. Mahajan h/f A.S. Mali

Advocate for Respondent 1 : Mr. Swapnil S. Rath

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 13, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.

2. The applicants/claimants are seeking withdrawal of the amount deposited by the insurance company in pursuance to the Award passed by the Tribunal in M.A.C.P No.331 of 2019. The claimants are dependents of deceased Pintu, who died in motor vehicular accident dated 24.3.2019. Insurance Company defended the claim on the ground that deceased was travelling on the head of the tractor and his risk was not covered. In support of his contentions (Khabar)/FIR Exh.38 is relied. Lateron, during investigation, it was transpired that deceased was not sitting on head of the tractor, but he was standing beside the tractor. Tribunal, on evaluation of the evidence, accepted case of the claimants and passed an award for compensation of Rs.12,80,000/-. The appellant/insurer

deposited amount of approximately Rs.16,30,000/- in this Court in pursuance to the award.

3. Looking to the controversy involved in the appeal and reasons as adopted by the Tribunal, prima facie, claimants are entitled for partial withdrawal of the amount. Hence, application is allowed. Applicants are permitted to withdraw 50% of the compensation amount on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court, that, in case, adverse order is passed, they would re-deposit the amount. Undertaking to be filed within a period of four weeks from today. CA stands disposed of.

(S. G. CHAPALGAONKAR, J.)

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